

HOUSE BILL No. 1001

DIGEST OF INTRODUCED BILL

Citations Affected: Numerous provisions throughout the Indiana Code.

Synopsis: Property tax relief. Replaces elected county assessors with county assessors appointed by the county fiscal body. Eliminates township assessors. Increases the circuit breaker credit for homesteads and certain rental property. Provides an additional 35% supplemental standard deduction for homesteads. Provides an additional homestead credit for 2008. Eliminates state reimbursed homestead credits and property tax replacement credits in 2009. Eliminates: (1) school tuition support levies; (2) school transportation fund levies; (3) county medical assistance to wards fund levies; (4) family and children's fund levies; (5) children's psychiatric residential treatment services fund levies; (6) children with special health care needs county fund levies; (7) the state forestry fund levy; (8) the state fair fund levy; and (9) the department of local government finance data base management levy. Changes the formula for determining the maximum permissible growth in certain levies and eliminates the authority of a county to restrict review of levies, tax rates, and budgets by a county board of tax and capital projects review. Requires a referendum on bond issues and lease agreements payable from property taxes or local income taxes and that cost at least 1% of a political subdivision's total net assessed value or \$10,000,000. Permits a referendum to increase a levy in excess of the amount approved by the county board of tax and capital projects review. Replaces the authority of a county to impose an annual levy growth tax rate, a public safety tax rate, and a property tax replacement tax rate with a single rate not to exceed 1%. Increases the gross retail and use tax to 7%. Establishes the transportation study committee. Makes other changes. Makes appropriations.

Effective: July 1, 2008; January 1, 2009; July 1, 2009.

Crawford, Espich

November 20, 2007, read first time and referred to Committee on Ways and Means.



Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2007 Regular Session of the General Assembly.



shade in the circle, oval, or square (or draw a line to connect the arrow) that precedes the person's name in the proper column. For optical scan ballots that do not contain a candidate's name, print: To vote for a person, darken or shade in the oval that precedes the number assigned to the person's name in the proper column. For electronic voting systems, print: To vote for a person, touch the screen (or press the button) in the location indicated.

Vote for one (1) only

Representative in Congress

☐ (1) AB _____

☐ (2) CD _____

☐ (3) EF _____

☐ (4) GH _____

(b) The offices with candidates for nomination shall be placed on the primary election ballot in the following order:

(1) Federal and state offices:

(A) President of the United States.

(B) United States Senator.

(C) Governor.

(D) United States Representative.

(2) Legislative offices:

(A) State senator.

(B) State representative.

(3) Circuit offices and county judicial offices:

(A) Judge of the circuit court, and unless otherwise specified under IC 33, with each division separate if there is more than one (1) judge of the circuit court.

(B) Judge of the superior court, and unless otherwise specified under IC 33, with each division separate if there is more than one (1) judge of the superior court.

(C) Judge of the probate court.

(D) Judge of the county court, with each division separate, as required by IC 33-30-3-3.

(E) Prosecuting attorney.

(F) Circuit court clerk.

(4) County offices:

(A) County auditor.

(B) County recorder.

(C) County treasurer.

(D) County sheriff.

(E) County coroner.

(F) County surveyor.



- 1 ~~(G)~~ County assessor.
 2 ~~(H)~~ (G) County commissioner.
 3 ~~(I)~~ (H) County council member.
 4 (5) Township offices:
 5 ~~(A)~~ Township assessor.
 6 ~~(B)~~ (A) Township trustee.
 7 ~~(C)~~ (B) Township board member.
 8 ~~(D)~~ (C) Judge of the small claims court.
 9 ~~(E)~~ (D) Constable of the small claims court.
 10 (6) City offices:
 11 (A) Mayor.
 12 (B) Clerk or clerk-treasurer.
 13 (C) Judge of the city court.
 14 (D) City-county council member or common council member.
 15 (7) Town offices:
 16 (A) Clerk-treasurer.
 17 (B) Judge of the town court.
 18 (C) Town council member.
 19 (c) The political party offices with candidates for election shall be
 20 placed on the primary election ballot in the following order after the
 21 offices described in subsection (b):
 22 (1) Precinct committeeman.
 23 (2) State convention delegate.
 24 (d) The following offices and public questions shall be placed on the
 25 primary election ballot in the following order after the offices described
 26 in subsection (c):
 27 (1) School board offices to be elected at the primary election.
 28 (2) Other local offices to be elected at the primary election.
 29 (3) Local public questions.
 30 (e) The offices and public questions described in subsection (d)
 31 shall be placed:
 32 (1) in a separate column on the ballot if voting is by paper ballot;
 33 (2) after the offices described in subsection (c) in the form
 34 specified in IC 3-11-13-11 if voting is by ballot card; or
 35 (3) either:
 36 (A) on a separate screen for each office or public question; or
 37 (B) after the offices described in subsection (c) in the form
 38 specified in IC 3-11-14-3.5;
 39 if voting is by an electronic voting system.
 40 (f) A public question shall be placed on the primary election ballot
 41 in the following form:
 42 (The explanatory text for the public question,



if required by law.)

"Shall (insert public question)?"

☐ YES

☐ NO

SECTION 3. IC 3-10-2-13 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 13. The following public officials shall be elected at the general election before their terms of office expire and every four (4) years thereafter:

(1) Clerk of the circuit court.

(2) County auditor.

(3) County recorder.

(4) County treasurer.

(5) County sheriff.

(6) County coroner.

(7) County surveyor.

~~(8) County assessor.~~

~~(9)~~ (8) County commissioner.

~~(10)~~ (9) County council member.

~~(11)~~ (10) Township trustee.

~~(12)~~ (11) Township board member.

~~(13) Township assessor.~~

~~(14)~~ (12) Judge of a small claims court.

~~(15)~~ (13) Constable of a small claims court.

SECTION 4. IC 3-11-2-12, AS AMENDED BY P.L.2-2005, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 12. The following offices shall be placed on the general election ballot in the following order:

(1) Federal and state offices:

(A) President and Vice President of the United States.

(B) United States Senator.

(C) Governor and lieutenant governor.

(D) Secretary of state.

(E) Auditor of state.

(F) Treasurer of state.

(G) Attorney general.

(H) Superintendent of public instruction.

(I) United States Representative.

(2) Legislative offices:

(A) State senator.

(B) State representative.

(3) Circuit offices and county judicial offices:

(A) Judge of the circuit court, and unless otherwise specified



- 1 under IC 33, with each division separate if there is more than
 2 one (1) judge of the circuit court.
 3 (B) Judge of the superior court, and unless otherwise specified
 4 under IC 33, with each division separate if there is more than
 5 one (1) judge of the superior court.
 6 (C) Judge of the probate court.
 7 (D) Judge of the county court, with each division separate, as
 8 required by IC 33-30-3-3.
 9 (E) Prosecuting attorney.
 10 (F) Clerk of the circuit court.
 11 (4) County offices:
 12 (A) County auditor.
 13 (B) County recorder.
 14 (C) County treasurer.
 15 (D) County sheriff.
 16 (E) County coroner.
 17 (F) County surveyor.
 18 ~~(G) County assessor.~~
 19 ~~(H)~~ (G) County commissioner.
 20 ~~(I)~~ (H) County council member.
 21 (5) Township offices:
 22 ~~(A) Township assessor.~~
 23 ~~(B)~~ (A) Township trustee.
 24 ~~(C)~~ (B) Township board member.
 25 ~~(D)~~ (C) Judge of the small claims court.
 26 ~~(E)~~ (D) Constable of the small claims court.
 27 (6) City offices:
 28 (A) Mayor.
 29 (B) Clerk or clerk-treasurer.
 30 (C) Judge of the city court.
 31 (D) City-county council member or common council member.
 32 (7) Town offices:
 33 (A) Clerk-treasurer.
 34 (B) Judge of the town court.
 35 (C) Town council member.

36 SECTION 5. IC 4-10-13-2 IS AMENDED TO READ AS
 37 FOLLOWS [EFFECTIVE JANUARY 1, 2009]: Sec. 2. (a) The auditor
 38 of state shall prepare and publish each year the following financial
 39 reports:

- 40 (1) A report showing receipts by source of revenue and by type of
 41 fund disbursements as they relate to each agency, department, and
 42 fund of the state government. This report shall include a recital of



disbursements made by the following functions of state government:

- (A) Education.
- (B) Welfare.
- (C) Highway.
- (D) Health.
- (E) Natural resources.
- (F) Public safety.
- (G) General governmental.
- (H) Hospital and state institutions.
- (I) Correction, parole, and probation.

(2) A report containing the following property tax data by counties:

(A) A report showing:

- (i) the total amount of tax delinquencies;
- (ii) the total amount of the administrative costs of the offices of township and county assessors, the offices of county auditors, and the offices of county treasurers; and
- (iii) the total amount of other local taxes collected.

(B) An abstract of taxable real and personal property, which must include a recital of the number and the total amount of tax exemptions including mortgage exemptions, veterans' exemptions, exemptions granted to blind persons, exemptions granted to persons over sixty-five (65) years of age, and any and all other exemptions granted to any person under the provisions of the Constitution and the laws of the state.

(b) The reports described in this section shall be made available for inspection as soon as they are prepared and shall be published in the manner provided in section 7 of this chapter by the auditor of state not later than December 31 following the end of each fiscal year.

SECTION 6. IC 4-33-13-5, AS AMENDED BY P.L.233-2007, SECTION 19, AND AS AMENDED BY P.L.234-2007, SECTION 281, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2009]: Sec. 5. (a) This subsection does not apply to tax revenue remitted by an operating agent operating a riverboat in a historic hotel district. After funds are appropriated under section 4 of this chapter, each month the treasurer of state shall distribute the tax revenue deposited in the state gaming fund under this chapter to the following:

- (1) The first thirty-three million dollars (\$33,000,000) of tax revenues collected under this chapter shall be set aside for revenue sharing under subsection (e).



(2) Subject to subsection (c), twenty-five percent (25%) of the remaining tax revenue remitted by each licensed owner shall be paid:

(A) to the city that is designated as the home dock of the riverboat from which the tax revenue was collected, in the case of:

(i) a city described in IC 4-33-12-6(b)(1)(A); or

(ii) a city located in a county having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000); or

(B) to the county that is designated as the home dock of the riverboat from which the tax revenue was collected, in the case of a riverboat whose home dock is not in a city described in clause (A).

(3) Subject to subsection (d), the remainder of the tax revenue remitted by each licensed owner shall be paid to the ~~property tax replacement state general~~ fund. In each state fiscal year, the treasurer of state shall make the transfer required by this subdivision not later than the last business day of the month in which the tax revenue is remitted to the state for deposit in the state gaming fund. However, if tax revenue is received by the state on the last business day in a month, the treasurer of state may transfer the tax revenue to the ~~property tax replacement state general~~ fund in the immediately following month.

(b) This subsection applies only to tax revenue remitted by an operating agent operating a riverboat in a historic hotel district. After funds are appropriated under section 4 of this chapter, each month the treasurer of state shall distribute the tax revenue ~~deposited in the state gaming fund~~ remitted by the operating agent under this chapter as follows:

(1) Thirty-seven and one-half percent (37.5%) shall be paid to the ~~property tax replacement state general~~ fund. ~~established under IC 6-1.1-21.~~

(2) ~~Thirty-seven and one-half~~ Nineteen percent ~~(37.5%)~~ (19%) shall be paid to the West Baden Springs historic hotel preservation and maintenance fund established by IC 36-7-11.5-11(b). However, at any time the balance in that fund exceeds twenty million dollars (\$20,000,000), the amount described in this subdivision shall be paid to the ~~property tax replacement state general~~ fund. ~~established under IC 6-1.1-21.~~

(3) ~~Five Eight~~ percent ~~(5%)~~ (8%) shall be paid to the ~~historic hotel preservation~~ Orange County development commission



established under IC 36-7-11.5.

(4) ~~Ten~~ Sixteen percent ~~(10%)~~ (16%) shall be paid in equal amounts to each town that ~~(A)~~ is located in the county in which the riverboat docks and ~~(B)~~ contains a historic hotel. ~~The town council shall appropriate a part of the money received by the town under this subdivision to the budget of the town's tourism commission. The following apply to taxes received by a town under this subdivision:~~

(A) At least twenty-five percent (25%) of the taxes must be transferred to the school corporation in which the town is located.

(B) At least twelve and five-tenths percent (12.5%) of the taxes must be transferred to the Orange County convention and visitors bureau.

(5) ~~Ten~~ Nine percent ~~(10%)~~ (9%) shall be paid to the county treasurer of the county in which the riverboat is docked. The county treasurer shall distribute the money received under this subdivision as follows:

(A) ~~Twenty~~ Twenty-two and twenty-five hundredths percent ~~(20%)~~ (22.25%) shall be quarterly distributed to the county treasurer of a county having a population of more than thirty-nine thousand six hundred (39,600) but less than forty thousand (40,000) for appropriation by the county fiscal body after receiving a recommendation from the county executive. The county fiscal body for the receiving county shall provide for the distribution of the money received under this clause to one (1) or more taxing units (as defined in IC 6-1.1-1-21) in the county under a formula established by the county fiscal body after receiving a recommendation from the county executive.

(B) ~~Twenty~~ Twenty-two and twenty-five hundredths percent ~~(20%)~~ (22.25%) shall be quarterly distributed to the county treasurer of a county having a population of more than ten thousand seven hundred (10,700) but less than twelve thousand (12,000) for appropriation by the county fiscal body after receiving a recommendation from the county executive. The county fiscal body for the receiving county shall provide for the distribution of the money received under this clause to one (1) or more taxing units (as defined in IC 6-1.1-1-21) in the county under a formula established by the county fiscal body after receiving a recommendation from the county executive.



(C) ~~Sixty Fifty-five and five-tenths percent (60%)~~ (55.5%) shall be retained by the county where the riverboat is docked for appropriation by the county fiscal body after receiving a recommendation from the county executive. ~~The county fiscal body shall provide for the distribution of part or all of the money received under this clause to the following under a formula established by the county fiscal body.~~

~~(i)~~ (6) Five percent (5%) shall be paid to a town having a population of more than two thousand two hundred (2,200) but less than three thousand five hundred (3,500) located in a county having a population of more than nineteen thousand three hundred (19,300) but less than twenty thousand (20,000). ~~At least forty percent (40%) of the taxes received by a town under this subdivision must be transferred to the school corporation in which the town is located.~~

~~(ii)~~ (7) Five percent (5%) shall be paid to a town having a population of more than three thousand five hundred (3,500) located in a county having a population of more than nineteen thousand three hundred (19,300) but less than twenty thousand (20,000). ~~At least forty percent (40%) of the taxes received by a town under this subdivision must be transferred to the school corporation in which the town is located.~~

(8) Five-tenths percent (0.5%) shall be paid to the Orange County convention and visitors bureau.

(c) For each city and county receiving money under subsection (a)(2), the treasurer of state shall determine the total amount of money paid by the treasurer of state to the city or county during the state fiscal year 2002. The amount determined is the base year revenue for the city or county. The treasurer of state shall certify the base year revenue determined under this subsection to the city or county. The total amount of money distributed to a city or county under this section during a state fiscal year may not exceed the entity's base year revenue. For each state fiscal year, the treasurer of state shall pay that part of the riverboat wagering taxes that:

- (1) exceeds a particular city's or county's base year revenue; and
- (2) would otherwise be due to the city or county under this section;

to the ~~property tax replacement state general~~ fund instead of to the city or county.

(d) Each state fiscal year the treasurer of state shall transfer from the tax revenue remitted to the ~~property tax replacement state general~~ fund under subsection (a)(3) to the build Indiana fund an amount that when



1 added to the following may not exceed two hundred fifty million
2 dollars (\$250,000,000):

3 (1) Surplus lottery revenues under IC 4-30-17-3.

4 (2) Surplus revenue from the charity gaming enforcement fund
5 under IC 4-32.2-7-7.

6 (3) Tax revenue from pari-mutuel wagering under IC 4-31-9-3.

7 The treasurer of state shall make transfers on a monthly basis as needed
8 to meet the obligations of the build Indiana fund. If in any state fiscal
9 year insufficient money is transferred to the ~~property tax replacement~~
10 **state general** fund under subsection (a)(3) to comply with this
11 subsection, the treasurer of state shall reduce the amount transferred to
12 the build Indiana fund to the amount available in the ~~property tax~~
13 **replacement state general** fund from the transfers under subsection
14 (a)(3) for the state fiscal year.

15 (e) Before August 15 of each year, the treasurer of state shall
16 distribute the wagering taxes set aside for revenue sharing under
17 subsection (a)(1) to the county treasurer of each county that does not
18 have a riverboat according to the ratio that the county's population
19 bears to the total population of the counties that do not have a
20 riverboat. Except as provided in subsection (h), the county auditor shall
21 distribute the money received by the county under this subsection as
22 follows:

23 (1) To each city located in the county according to the ratio the
24 city's population bears to the total population of the county.

25 (2) To each town located in the county according to the ratio the
26 town's population bears to the total population of the county.

27 (3) After the distributions required in subdivisions (1) and (2) are
28 made, the remainder shall be retained by the county.

29 (f) Money received by a city, town, or county under subsection (e)
30 or (h) may be used for any of the following purposes:

31 (1) To reduce the property tax levy of the city, town, or county for
32 a particular year (a property tax reduction under this subdivision
33 does not reduce the maximum levy of the city, town, or county
34 under IC 6-1.1-18.5).

35 (2) For deposit in a special fund or allocation fund created under
36 IC 8-22-3.5, IC 36-7-14, IC 36-7-14.5, IC 36-7-15.1, and
37 IC 36-7-30. ~~to provide funding for additional credits for property~~
38 ~~tax replacement in property tax increment allocation areas or debt~~
39 ~~repayment.~~

40 (3) To fund sewer and water projects, including storm water
41 management projects.

42 (4) For police and fire pensions.



(5) To carry out any governmental purpose for which the money is appropriated by the fiscal body of the city, town, or county. Money used under this subdivision does not reduce the property tax levy of the city, town, or county for a particular year or reduce the maximum levy of the city, town, or county under IC 6-1.1-18.5.

(g) This subsection does not apply to an entity receiving money under IC 4-33-12-6(c). Before September 15 of each year, the treasurer of state shall determine the total amount of money distributed to an entity under IC 4-33-12-6 during the preceding state fiscal year. If the treasurer of state determines that the total amount of money distributed to an entity under IC 4-33-12-6 during the preceding state fiscal year was less than the entity's base year revenue (as determined under IC 4-33-12-6), the treasurer of state shall make a supplemental distribution to the entity from taxes collected under this chapter and deposited into the ~~property tax replacement~~ **state general** fund. *Except as provided in subsection (i), the amount of ~~the~~ an entity's supplemental distribution is equal to:*

(1) the entity's base year revenue (as determined under IC 4-33-12-6); minus

(2) the sum of:

(A) the total amount of money distributed to the entity during the preceding state fiscal year under IC 4-33-12-6; plus

(B) any amounts deducted under IC 6-3.1-20-7.

(h) This subsection applies only to a county containing a consolidated city. The county auditor shall distribute the money received by the county under subsection (e) as follows:

(1) To each city, other than a consolidated city, located in the county according to the ratio that the city's population bears to the total population of the county.

(2) To each town located in the county according to the ratio that the town's population bears to the total population of the county.

(3) After the distributions required in subdivisions (1) and (2) are made, the remainder shall be paid in equal amounts to the consolidated city and the county.

(i) This subsection applies only to the Indiana horse racing commission. For each state fiscal year the amount of the Indiana horse racing commission's supplemental distribution under subsection (g) must be reduced by the amount required to comply with IC 4-33-12-7(a).

SECTION 7. IC 4-35-8-3, AS ADDED BY P.L.233-2007, SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE



JANUARY 1, 2009]: Sec. 3. The department shall deposit tax revenue collected under section 1 of this chapter in the ~~property tax reduction trust state general~~ fund.

SECTION 8. IC 5-4-1-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2009]: Sec. 8. (a) The official bonds of officers, if sufficient, shall be approved as follows:

(1) Of county officers required to give bonds, by the clerk of the circuit court unless otherwise specified in this section.

(2) Of county sheriff, county coroner, county recorder, county auditor, county treasurer, and clerk of the circuit court, by the county executive.

(3) Of county assessor **and** township trustee, ~~and township assessor~~, by the county auditor.

(4) Of city officers, except the executive and members of the legislative body, by the city executive.

(5) Of members of the board of public works or of the board of public works and safety in cities, by the city legislative body.

(6) Of clerk-treasurer and marshal of a town, by the town legislative body.

(7) Of a controller of a solid waste management district established under IC 13-21 or IC 13-9.5 (before its repeal) by the board of directors of the solid waste management district.

(b) A person who approves an official bond shall write the approval on the bond.

(c) A bond must be approved before it is filed.

SECTION 9. IC 5-4-1-18 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2009]: Sec. 18. (a) Except as provided in subsection (b), the following city, town, county, or township officers and employees shall file an individual surety bond:

(1) City judges, controllers, clerks, and clerk-treasurers.

(2) Town judges and clerk-treasurers.

(3) Auditors, treasurers, recorders, surveyors, sheriffs, coroners, assessors, and clerks.

(4) Township trustees. ~~and assessors~~.

(5) Those employees directed to file an individual bond by the fiscal body of a city, town, or county.

(b) The fiscal body of a city, town, county, or township may by ordinance authorize the purchase of a blanket bond or a crime insurance policy endorsed to include faithful performance to cover the faithful performance of all employees, commission members, and persons acting on behalf of the local government unit, including those officers described in subsection (a).



(c) The fiscal bodies of the respective units shall fix the amount of the bond of city controllers, city clerk-treasurers, town clerk-treasurers, Barrett Law fund custodians, county treasurers, county sheriffs, circuit court clerks, township trustees, and conservancy district financial clerks as follows:

(1) The amount must equal fifteen thousand dollars (\$15,000) for each one million dollars (\$1,000,000) of receipts of the officer's office during the last complete fiscal year before the purchase of the bond, subject to subdivision (2).

(2) The amount may not be less than fifteen thousand dollars (\$15,000) nor more than three hundred thousand dollars (\$300,000).

County auditors shall file bonds in amounts of not less than fifteen thousand dollars (\$15,000), as fixed by the fiscal body of the county. The amount of the bond of any other person required to file an individual bond shall be fixed by the fiscal body of the unit at not less than eight thousand five hundred dollars (\$8,500).

(d) A controller of a solid waste management district established under IC 13-21 or IC 13-9.5 (before its repeal) shall file an individual surety bond in an amount:

(1) fixed by the board of directors of the solid waste management district; and

(2) that is at least fifteen thousand dollars (\$15,000).

(e) Except as provided under subsection (d), a person who is required to file an individual surety bond by the board of directors of a solid waste management district established under IC 13-21 or IC 13-9.5 (before its repeal) shall file a bond in an amount fixed by the board of directors.

(f) In 1982 and every four (4) years after that, the state examiner shall review the bond amounts fixed under this section and report in an electronic format under IC 5-14-6 to the general assembly whether changes are necessary to ensure adequate and economical coverage.

(g) The commissioner of insurance shall prescribe the form of the bonds or crime policies required by this section, in consultation with the commission on public records under IC 5-15-5.1-6.

SECTION 10. IC 5-28-15-8, AS ADDED BY P.L.4-2005, SECTION 34, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2009]: Sec. 8. (a) This section applies to records and other information, including records and information that are otherwise confidential, maintained by the following:

(1) The board.

(2) A U.E.A.



- (3) The department of state revenue.
- (4) The corporation.
- (5) The department of local government finance.
- (6) A county auditor.
- (7) A ~~township~~ **county** assessor.

(b) A person or an entity listed in subsection (a) may request a second person or entity described in subsection (a) to provide any records or other information maintained by the second person or entity that concern an individual or a business that is receiving a tax deduction, exemption, or credit related to an enterprise zone. Notwithstanding any other law, the person or entity to whom the request is made under this section must comply with the request. A person or entity receiving records or information under this section that are confidential must also keep the records or information confidential.

(c) A person or an entity that receives confidential records or information under this section and knowingly or intentionally discloses the records or information to an unauthorized person commits a Class A misdemeanor.

SECTION 11. IC 6-1.1-1-1.5, AS AMENDED BY P.L.88-2005, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2009]: Sec. 1.5. (a) "Assessing official" means:

- (1) a ~~township~~ **county** assessor; or
- (2) a member of a county property tax assessment board of appeals.

(b) The term "assessing official" does not grant a member of the county property tax assessment board of appeals primary assessing functions except as may be granted to the member by law.

SECTION 12. IC 6-1.1-1-15 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2009]: Sec. 15. "Real property" means:

- (1) land located within this state;
- (2) a building or fixture situated on land located within this state;
- (3) an appurtenance to land located within this state;
- (4) an estate in land located within this state, or an estate, right, or privilege in mines located on or minerals, including but not limited to oil or gas, located in the land, if the estate, right, or privilege is distinct from the ownership of the surface of the land; and
- (5) notwithstanding IC 6-6-6-7, a riverboat:
 - (A) licensed under IC 4-33; or
 - (B) operated under an operating agent contract under IC 4-33-6.5;



1 for which the department of local government finance shall prescribe
 2 standards to be used by ~~township~~ **county** assessors.

3 SECTION 13. IC 6-1.1-3-1 IS AMENDED TO READ AS
 4 FOLLOWS [EFFECTIVE JANUARY 1, 2009]: Sec. 1. (a) Except as
 5 provided in subsection (c) and section 11 of this chapter, personal
 6 property which is owned by a person who is a resident of this state shall
 7 be assessed at the place where the owner resides on the assessment date
 8 of the year for which the assessment is made.

9 (b) Except as provided in subsection (c) and section 11 of this
 10 chapter, personal property which is owned by a person who is not a
 11 resident of this state shall be assessed at the place where the owner's
 12 principal office within this state is located on the assessment date of the
 13 year for which the assessment is made.

14 (c) Personal property shall be assessed at the place where it is
 15 situated on the assessment date of the year for which the assessment is
 16 made if the property is:

- 17 (1) regularly used or permanently located where it is situated; or
- 18 (2) owned by a nonresident who does not have a principal office
- 19 within this state.

20 (d) If a personal property return is filed pursuant to subsection (c),
 21 the owner of the property shall provide, within forty-five (45) days after
 22 the filing deadline, a copy or other written evidence of the filing of the
 23 return to the assessor of the ~~township~~ **county** in which the owner
 24 resides. If such evidence is not filed within forty-five (45) days after the
 25 filing deadline, the assessor of the ~~township~~ **county** in which the owner
 26 resides shall determine if the owner filed a personal property return in
 27 the ~~township~~ **county** where the property is situated. If such a return was
 28 filed, the property shall be assessed where it is situated. If such a return
 29 was not filed, the assessor of the ~~township~~ **county** where the owner
 30 resides shall notify the assessor of the ~~township~~ **county** where the
 31 property is situated, and the property shall be assessed where it is
 32 situated. This subsection does not apply to a taxpayer who:

- 33 (1) is required to file duplicate personal property returns under
- 34 section 7(c) of this chapter and under regulations promulgated by
- 35 the department of local government finance with respect to that
- 36 section; or
- 37 (2) is required by the department of local government finance to
- 38 file a summary of the taxpayer's business tangible personal
- 39 property returns.

40 SECTION 14. IC 6-1.1-3-4 IS AMENDED TO READ AS
 41 FOLLOWS [EFFECTIVE JANUARY 1, 2009]: Sec. 4. (a) If a question
 42 arises as to the proper place to assess personal property, ~~the county~~



1 assessor shall determine the place if the conflict involves different
 2 townships which are located within the county the assessor serves. If
 3 the conflict involves different counties, the department of local
 4 government finance shall determine the proper place of assessment.

5 (b) A determination made under this section by a county assessor or
 6 the department of local government finance is final.

7 (c) If taxes are paid to a county which is not entitled to collect them,
 8 the department of local government finance may direct the authorities
 9 of the county which wrongfully collected the taxes to refund the taxes
 10 collected and any penalties charged on the taxes.

11 SECTION 15. IC 6-1.1-3-5 IS AMENDED TO READ AS
 12 FOLLOWS [EFFECTIVE JANUARY 1, 2009]: Sec. 5. Before the
 13 assessment date of each year, the county auditor shall deliver to each
 14 township county assessor the proper assessment books and necessary
 15 blanks for the listing and assessment of personal property.

16 SECTION 16. IC 6-1.1-3-6 IS AMENDED TO READ AS
 17 FOLLOWS [EFFECTIVE JANUARY 1, 2009]: Sec. 6. Between the
 18 assessment date and the filing date of each year, the appropriate
 19 township county assessor shall furnish each person whose personal
 20 property is subject to assessment for that year with a personal property
 21 return.

22 SECTION 17. IC 6-1.1-3-7 IS AMENDED TO READ AS
 23 FOLLOWS [EFFECTIVE JANUARY 1, 2009]: Sec. 7. (a) Except as
 24 provided in subsections (b) and (d), a taxpayer shall, on or before the
 25 filing date of each year, file a personal property return with the assessor
 26 of each township the county in which the taxpayer's personal property
 27 is subject to assessment.

28 (b) The township county assessor may grant a taxpayer an extension
 29 of not more than thirty (30) days to file the taxpayer's return if:

30 (1) the taxpayer submits a written application for an extension
 31 prior to the filing date; and

32 (2) the taxpayer is prevented from filing a timely return because
 33 of sickness, absence from the county, or any other good and
 34 sufficient reason.

35 (c) If the sum of the assessed values reported by a taxpayer on the
 36 business personal property returns which the taxpayer files with the
 37 township county assessor for a year exceeds one hundred fifty
 38 thousand dollars (\$150,000), the taxpayer shall file each of the returns
 39 in duplicate.

40 (d) A taxpayer may file a consolidated return with the county
 41 assessor If the a taxpayer has personal property subject to assessment
 42 in more than one (1) township in a county, and the total assessed value



of the personal property in the county is less than one million five hundred thousand dollars (\$1,500,000). ~~A the taxpayer filing a consolidated~~ return shall attach a schedule listing, by township, all the taxpayer's personal property and the property's assessed value. ~~A taxpayer filing a consolidated return is not required to file a personal property return with the assessor of each township. A The taxpayer filing a consolidated return shall provide the following:~~ (1) the county assessor with the information necessary for the county assessor to allocate the assessed value of the taxpayer's personal property among the townships listed on the return, including the street address, the township, and the location of the property.

(2) ~~A copy of the consolidated return, with attachments, for each township listed on the return.~~

(c) The county assessor shall provide to each affected township assessor in the county all information filed by a taxpayer under subsection (d) that affects the township. The county assessor shall provide the information before:

(1) May 25 of each year, for a return filed on or before the filing date for the return; or

(2) June 30 of each year, for a return filed after the filing date for the return.

(f) The township assessor shall send all required notifications to the taxpayer.

(g) (e) The county assessor may refuse to accept a consolidated personal property tax return that does not have attached to it a schedule listing, by township, all the personal property of the taxpayer and the assessed value of the property as required under **comply with** subsection (d). For purposes of IC 6-1.1-37-7, a ~~consolidated return to which subsection (d) applies~~ is filed on the date it is filed with the county assessor with the schedule of personal property and assessed value required by subsection (d) attached.

SECTION 18. IC 6-1.1-3-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2009]: Sec. 11. (a) For purposes of this section, "inventory" means:

- (1) materials held for processing or for use in production;
- (2) finished or partially finished goods of a manufacturer or processor; and
- (3) property held for sale in the ordinary course of trade or business.

(b) For purposes of this section, "dealer" has the meaning set forth in IC 9-13-2-42.

(c) For purposes of this section, "established place of business"



1 refers to a place of business that meets the minimum standards
 2 prescribed by the bureau of motor vehicles under rules adopted under
 3 IC 4-22-2.

4 (d) If the inventory owned or held by a taxpayer on the assessment
 5 date of a year does not, in the taxpayer's opinion, fairly represent the
 6 average inventory carried by the taxpayer, the taxpayer may elect to list
 7 the taxpayer's inventory for assessment on the basis of the average true
 8 tax value of the inventory owned or held by the taxpayer during the
 9 preceding calendar year, or during the portion of the preceding
 10 calendar year that the taxpayer was engaged in business.

11 (e) If a taxpayer elects to use the average method, the taxpayer shall
 12 notify the ~~township~~ **county** assessor of the election at the time the
 13 taxpayer files the taxpayer's personal property return. The election,
 14 once made, is binding on the taxpayer for the tax year in question and
 15 for each year thereafter unless permission to change is granted by the
 16 department of local government finance.

17 (f) If a taxpayer elects to use the average method, the taxpayer shall
 18 use that method for reporting the value of all the taxpayer's inventories
 19 which are located in this state.

20 (g) Inventory owned by a dealer shall be assessed at the dealer's
 21 established place of business.

22 SECTION 19. IC 6-1.1-3-14 IS AMENDED TO READ AS
 23 FOLLOWS [EFFECTIVE JANUARY 1, 2009]: Sec. 14. The ~~township~~
 24 **county** assessor shall:

25 (1) examine and verify; or

26 (2) allow a contractor under IC 6-1.1-36-12 to examine and
 27 verify;

28 the accuracy of each personal property return filed with the ~~township~~
 29 **county** assessor by a taxpayer. If appropriate, the assessor or contractor
 30 under IC 6-1.1-36-12 shall compare a return with the books of the
 31 taxpayer and with personal property owned, held, possessed,
 32 controlled, or occupied by the taxpayer.

33 SECTION 20. IC 6-1.1-3-15 IS AMENDED TO READ AS
 34 FOLLOWS [EFFECTIVE JANUARY 1, 2009]: Sec. 15. (a) In
 35 connection with the activities required by section 14 of this chapter, or
 36 if a person owning, holding, possessing, or controlling any personal
 37 property fails to file a personal property return with the ~~township~~
 38 **county** assessor as required by this chapter, the ~~township~~ **county**
 39 assessor may examine:

40 (1) the personal property of the person;

41 (2) the books and records of the person; and

42 (3) under oath, the person or any other person whom the assessor



believes has knowledge of the amount, identity, or value of the personal property reported or not reported by the person on a return.

(b) After such an examination, the assessor shall assess the personal property to the person owning, holding, possessing, or controlling that property.

(c) As an alternative to such an examination, the ~~township~~ **county** assessor may estimate the value of the personal property of the taxpayer and shall assess the person owning, holding, possessing, or controlling the property in an amount based upon the estimate. Upon receiving a notification of estimated value from the ~~township~~ **county** assessor, the taxpayer may elect to file a personal property return, subject to the penalties imposed by IC 6-1.1-37-7.

SECTION 21. IC 6-1.1-3-16 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2009]: Sec. 16. If, from the evidence before ~~him~~, a ~~township~~ **county** assessor, **the county assessor** determines that a person has temporarily converted any part of ~~his~~ **the person's** personal property into property which is not taxable under this article to avoid the payment of taxes on the converted property, the ~~township~~ **county** assessor shall assess the converted property to the taxpayer.

SECTION 22. IC 6-1.1-3-17 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2009]: Sec. 17. ~~(a) On or before June 1 of each year, each township assessor of a county shall deliver to the county assessor a list which states by taxing district the total of the personal property assessments as shown on the personal property returns filed with the assessor on or before the filing date of that year and in a county with a township assessor under IC 36-6-5-1 in every township the township assessor shall deliver the lists to the county auditor as prescribed in subsection (b):~~

~~(b)~~ **(a)** On or before July 1 of each year, each county assessor shall certify to the county auditor the assessment value of the personal property in every taxing district.

~~(c)~~ **(b)** The department of local government finance shall prescribe the forms required by this section.

SECTION 23. IC 6-1.1-3-18, AS AMENDED BY P.L.219-2007, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2009]: Sec. 18. (a) ~~Each township~~ **The county** assessor ~~of a county~~ shall periodically report to the **county assessor and the** county auditor with respect to the returns and properties of taxpayers which the ~~township~~ **county** assessor has examined. The ~~township~~ **county** assessor shall submit these reports in the form and on the dates



prescribed by the department of local government finance.

(b) ~~Each year, on or before the time prescribed by the department of local government finance, each township assessor of a county shall deliver to the county assessor a copy of each business personal property return which the taxpayer is required to file in duplicate under section 7(c) of this chapter and a copy of any supporting data supplied by the taxpayer with the return.~~ Each year, the county assessor:

(1) shall review and may audit ~~those the business personal property returns that the taxpayer is required to file in duplicate under section 7(c) of this chapter;~~ and

(2) shall determine the returns in which the assessment appears to be improper.

SECTION 24. IC 6-1.1-3-19 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2009]: Sec. 19. (a) While a county property tax assessment board of appeals is in session, ~~each township the county assessor of the county~~ shall make the following information available to the ~~county assessor and the board~~:

(1) Personal property returns.

(2) Documents related to the returns. ~~and~~

(3) Any information in the possession of the assessor ~~which that~~ is related to the identity of the owners or possessors of property or the values of property.

(b) Upon written request of the board, the ~~township county~~ assessor shall furnish ~~this~~ information **referred to in subsection (a)** to any member of the board either directly or through employees of the board.

SECTION 25. IC 6-1.1-3-20 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2009]: Sec. 20. If an assessing official ~~or board~~ changes a valuation made by a person on ~~his the~~ **person's** personal property return or adds personal property and its value to a return, the assessing official ~~or board~~ shall, by mail, immediately give the person notice of the action taken. However, if a taxpayer lists property on ~~his the taxpayer's~~ return but does not place a value on the property, a notice of the action of an assessing official ~~or board~~ in placing a value on the property is not required.

SECTION 26. IC 6-1.1-3-21 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2009]: Sec. 21. ~~(a)~~ Subject to the limitations ~~contained~~ in IC 6-1.1-35-9, assessment returns, lists, and any other documents and information related to the determination of personal property assessments shall be preserved as public records and open to public inspection. The ~~township county~~ assessor shall preserve and maintain these records. ~~if quarters for his office are provided in the county court house; or a branch thereof. If quarters are not provided for~~



the township assessor; he shall, as soon as he completes his audit of a return, deliver the return and all related documents and information to the county assessor; and the county assessor shall maintain and preserve the items. The township assessor shall ensure that the county assessor has full access to the assessment records maintained by the township assessor.

(b) Each county shall furnish an office for a township assessor in the county courthouse, or a branch thereof, if the township he serves has a population of thirty-five thousand (35,000) or more. A county may furnish an office in the county courthouse, or branch thereof, for any township assessor.

SECTION 27. IC 6-1.1-4-4, AS AMENDED BY P.L.228-2005, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2009]: Sec. 4. (a) A general reassessment, involving a physical inspection of all real property in Indiana, shall begin July 1, 2000, and be the basis for taxes payable in 2003.

(b) A general reassessment, involving a physical inspection of all real property in Indiana, shall begin July 1, 2009, and each fifth year thereafter. Each reassessment under this subsection:

(1) shall be completed on or before March 1, of the year that succeeds by two (2) years the year in which the general reassessment begins; and

(2) shall be the basis for taxes payable in the year following the year in which the general assessment is to be completed.

(c) In order to ensure that assessing officials ~~and members of each county property tax assessment board of appeals~~ are prepared for a general reassessment of real property, the department of local government finance shall give adequate advance notice of the general reassessment to the ~~county and township taxing assessing~~ officials of each county.

SECTION 28. IC 6-1.1-4-4.7, AS ADDED BY P.L.228-2005, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2009]: Sec. 4.7. (a) ~~For purposes of this section, "assessor" means:~~

(1) a township assessor; or

(2) a county assessor who assumes the responsibility for verifying sales under 50 IAC 21-3-2(b).

(b) The department of local government finance shall provide training to ~~county~~ assessors and county auditors with respect to the verification of sales disclosure forms under 50 IAC 21-3-2.

SECTION 29. IC 6-1.1-4-12.4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2009]: Sec. 12.4. (a) For



purposes of this section, the term "oil or gas interest" includes but is not limited to:

- (1) royalties;
- (2) overriding royalties;
- (3) mineral rights; or
- (4) working interest; in any oil or gas located on or beneath the surface of land which lies within this state.

(b) Oil or gas interest is subject to assessment and taxation as real property. Notwithstanding ~~the provisions of IC 1971, 6-1.1-4-4, section 4 of this chapter,~~ each oil or gas interest shall be assessed annually by the assessor of the ~~township~~ **county** in which the oil or gas is located. The ~~township~~ **county** assessor shall assess the oil or gas interest to the person who owns or operates the interest.

(c) A piece of equipment is an appurtenance to land if it is incident to and necessary for the production of oil and gas from the land covered by the oil or gas interest. This equipment includes but is not limited to wells, pumping units, lines, treaters, separators, tanks, and secondary recovery facilities. These appurtenances are subject to ~~assessment~~ **assessment** as real property. Notwithstanding ~~the provisions of IC 1971, 6-1.1-4-4, section 4 of this chapter,~~ each of these appurtenances shall be assessed annually by the assessor of the ~~township~~ **county** in which the appurtenance is located. The ~~township~~ **county** assessor shall assess the appurtenance to the person who owns or operates the working interest in the oil or gas interest.

SECTION 30. IC 6-1.1-4-12.6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2009]: Sec. 12.6. (a) For purposes of this section, the term "secondary recovery method" includes but is not limited to the stimulation of oil production by means of the injection of water, steam, hydrocarbons, or chemicals, or by means of in situ combustion.

(b) The total assessed value of all interests in the oil located on or beneath the surface of a particular tract of land equals the product of:

- (1) the average daily production of the oil; multiplied by
- (2) three hundred sixty-five (365); and multiplied by
- (3) the posted price of oil on the assessment date.

However, if the oil is being extracted by use of a secondary recovery method, the total assessed value of all interests in the oil equals one-half (1/2) the assessed value computed under the formula prescribed in this subsection. The appropriate ~~township~~ **county** assessor shall, in the manner prescribed by the department of local government finance, apportion the total assessed value of all interests in the oil among the owners of those interests.



(c) The appropriate ~~township~~ **county** assessor shall, in the manner prescribed by the department of local government finance, determine and apportion the total assessed value of all interests in the gas located beneath the surface of a particular tract of land.

(d) The department of local government finance shall prescribe a schedule for ~~township~~ **county** assessors to use in assessing the appurtenances described in section 12.4 (c) of this chapter.

SECTION 31. IC 6-1.1-4-13.6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2009]: Sec. 13.6. (a) The ~~township~~ **county** assessor shall determine the values of all classes of commercial, industrial, and residential land (including farm homesites) in the ~~township~~ **county** using guidelines determined by the department of local government finance. Not later than November 1 of the year preceding the year in which a general reassessment becomes effective, the assessor determining the values of land shall submit the values to the county property tax assessment board of appeals. Not later than December 1 of the year preceding the year in which a general reassessment becomes effective, the county property tax assessment board of appeals shall hold a public hearing in the county concerning those values. The property tax assessment board of appeals shall give notice of the hearing in accordance with IC 5-3-1 and shall hold the hearing after March 31 and before December 1 of the year preceding the year in which the general reassessment under ~~IC 6-1.1-4-4~~ **section 4 of this chapter** becomes effective.

(b) The county property tax assessment board of appeals shall review the values submitted under subsection (a) and may make any modifications it considers necessary to provide uniformity and equality. The county property tax assessment board of appeals shall coordinate the valuation of property adjacent to the boundaries of the county with the county property tax assessment boards of appeals of the adjacent counties using the procedures adopted by rule under IC 4-22-2 by the department of local government finance. If the county assessor ~~or township assessor~~ fails to submit land values under subsection (a) to the county property tax assessment board of appeals before November 1 of the year before the date the general reassessment under ~~IC 6-1.1-4-4~~ **section 4 of this chapter** becomes effective, the county property tax assessment board of appeals shall determine the values. If the county property tax assessment board of appeals fails to determine the values before the general reassessment becomes effective, the department of local government finance shall determine the values.

(c) ~~The county assessor shall notify all township assessors in the county of the values as modified by the county property tax assessment~~



~~board of appeals.~~ **Township County** assessors shall use the values determined under this section.

SECTION 32. IC 6-1.1-4-13.8, AS AMENDED BY P.L.228-2005, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2009]: Sec. 13.8. (a) As used in this section, "commission" refers to a county land valuation commission established under subsection (b).

(b) Subject to subsection ~~(j)~~; **(k)**, a county land valuation commission is established in each county for the purpose of determining the value of commercial, industrial, and residential land (including farm homesites) in the county.

(c) The county assessor is chairperson of the commission.

(d) The following are members of the commission:

(1) The county assessor. The county assessor shall cast a vote only to break a tie.

~~(2) Each township assessor; when the respective township land values for that township assessor's township are under consideration. A township assessor serving under this subdivision shall vote on all matters relating to the land values of that township assessor's township.~~

~~(3) One (1) township assessor from the county to be appointed by a majority vote of all the township assessors in the county.~~

~~(4)~~ **(2)** One (1) county resident who:

(A) holds a license under IC 25-34.1-3 as a salesperson or broker; and

(B) is appointed by:

(i) the board of commissioners (as defined in IC 36-3-3-10) for a county having a consolidated city; or

(ii) the county executive (as defined in IC 36-1-2-5) for a county not described in item (i).

~~(5)~~ **(3)** Four (4) individuals who:

(A) are appointed by the county executive (as defined in IC 36-1-2-5); and

(B) represent one (1) of the following four (4) kinds of land in the county:

(i) Agricultural.

(ii) Commercial.

(iii) Industrial.

(iv) Residential.

Each of the four (4) kinds of land in the county must be represented by one (1) individual appointed under this subdivision.



~~(6)~~ (4) One (1) individual who:

(A) represents financial institutions in the county; and

(B) is appointed by:

(i) the board of commissioners (as defined in IC 36-3-3-10) for a county having a consolidated city; or

(ii) the county executive (as defined in IC 36-1-2-5) for a county not described in item (i).

(e) The term of each member of the commission begins November 1 of the year that precedes by two (2) years the year in which a general reassessment begins under ~~IC 6-1.1-4-4~~, **section 4 of this chapter**, and ends January 1 of the year in which the general reassessment begins under ~~IC 6-1.1-4-4~~, **section 4 of this chapter**. The appointing authority may fill a vacancy for the remainder of the vacated term.

(f) The commission shall determine the values of all classes of commercial, industrial, and residential land (including farm homesites) in the county using guidelines determined by the department of local government finance. Not later than November 1 of the year preceding the year in which a general reassessment begins, the commission determining the values of land shall submit the values, all data supporting the values, and all information required under rules of the department of local government finance relating to the determination of land values to the county property tax assessment board of appeals and the department of local government finance. Not later than January 1 of the year in which a general reassessment begins, the county property tax assessment board of appeals shall hold a public hearing in the county concerning those values. The property tax assessment board of appeals shall give notice of the hearing in accordance with IC 5-3-1 and shall hold the hearing after March 31 of the year preceding the year in which the general reassessment begins and before January 1 of the year in which the general reassessment under ~~IC 6-1.1-4-4~~ **section 4 of this chapter** begins.

(g) The county property tax assessment board of appeals shall review the values, data, and information submitted under subsection (f) and may make any modifications it considers necessary to provide uniformity and equality. The county property tax assessment board of appeals shall coordinate the valuation of property adjacent to the boundaries of the county with the county property tax assessment boards of appeals of the adjacent counties using the procedures adopted by rule under IC 4-22-2 by the department of local government finance. If the commission fails to submit land values under subsection (f) to the county property tax assessment board of appeals before January 1 of the year the general reassessment under ~~IC 6-1.1-4-4~~ **section 4 of this**



1 **chapter** begins, the county property tax assessment board of appeals
2 shall determine the values.

3 (h) The county property tax assessment board of appeals shall give
4 notice to the county ~~and township assessors~~ **assessor** of its decision on
5 the values. The notice must be given before March 1 of the year the
6 general reassessment under ~~IC 6-1.1-4-4~~ **section 4 of this chapter**
7 begins. Not later than twenty (20) days after that notice, the county
8 assessor ~~or a township assessor in the county~~ may request that the
9 county property tax assessment board of appeals reconsider the values.
10 The county property tax assessment board of appeals shall hold a
11 hearing on the reconsideration in the county. The county property tax
12 assessment board of appeals shall give notice of the hearing under
13 IC 5-3-1.

14 (i) Not later than twenty (20) days after notice to the county ~~and~~
15 ~~township~~ assessor is given under subsection (h), a taxpayer may request
16 that the county property tax assessment board of appeals reconsider the
17 values. The county property tax assessment board of appeals may hold
18 a hearing on the reconsideration in the county. The county property tax
19 assessment board of appeals shall give notice of the hearing under
20 IC 5-3-1.

21 (j) A taxpayer may appeal the value determined under this section
22 as applied to the taxpayer's land as part of an appeal filed under
23 IC 6-1.1-15 after the taxpayer has received a notice of assessment. If a
24 taxpayer that files an appeal under IC 6-1.1-15 requests the values,
25 data, or information received by the county property tax assessment
26 board of appeals under subsection (f), the county property tax
27 assessment board of appeals shall satisfy the request. The department
28 of local government finance may modify the taxpayer's land value and
29 the value of any other land in the township, the county where the
30 taxpayer's land is located, or the adjacent county if the department of
31 local government finance determines it is necessary to provide
32 uniformity and equality.

33 ~~(k) The county assessor shall notify all township assessors in the~~
34 ~~county of the values as determined by the commission and as modified~~
35 ~~by the county property tax assessment board of appeals or department~~
36 ~~of local government finance under this section. Township assessors~~
37 ~~shall use the values determined under this section.~~

38 (l) After notice to the county assessor and all township assessors in
39 the county, a majority of the assessors authorized to vote under this
40 subsection may vote ~~to~~ **(k) The county assessor may abolish the**
41 county land valuation commission established under subsection (b).
42 Each township assessor and the county assessor has one ~~(1)~~ vote. The



1 county assessor shall give written notice to

2 ~~(1) each member of the county land valuation commission and~~

3 ~~(2) each township assessor in the county;~~

4 of the abolishment of the commission under this subsection.

5 SECTION 33. IC 6-1.1-4-15 IS AMENDED TO READ AS
6 FOLLOWS [EFFECTIVE JANUARY 1, 2009]: Sec. 15. (a) If real
7 property is subject to assessment or reassessment under this chapter,
8 the **county** assessor of the township in which the property is located
9 shall either appraise the property ~~himself~~ or have it appraised.

10 (b) In order to determine the assessed value of buildings and other
11 improvements, the ~~township~~ **county** assessor or ~~his~~ **the assessor's**
12 authorized representative may, after first making known ~~his~~ **the**
13 **assessor's or representative's** intention to the owner or occupant,
14 enter and fully examine all buildings and structures which are located
15 within the ~~township he serves~~ **county** and which are subject to
16 assessment.

17 SECTION 34. IC 6-1.1-4-16, AS AMENDED BY P.L.228-2005,
18 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
19 JANUARY 1, 2009]: Sec. 16. (a) For purposes of making a general
20 reassessment of real property or annual adjustments under section 4.5
21 of this chapter, ~~any township assessor and any a~~ county assessor may
22 employ:

23 (1) deputies;

24 (2) employees; and

25 (3) technical advisors who are:

26 (A) qualified to determine real property values;

27 (B) professional appraisers certified under 50 IAC 15; and

28 (C) employed either on a full-time or a part-time basis, subject
29 to sections 18.5 and 19.5 of this chapter.

30 (b) The county council of each county shall appropriate the funds
31 necessary for the employment of deputies, employees, or technical
32 advisors employed under subsection (a) of this section.

33 SECTION 35. IC 6-1.1-4-17, AS AMENDED BY P.L.228-2005,
34 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
35 JANUARY 1, 2009]: Sec. 17. (a) Subject to the approval of the
36 department of local government finance and the requirements of
37 section 18.5 of this chapter, a

38 ~~(1) township assessor; or~~

39 ~~(2) group consisting of the county assessor and the township~~
40 ~~assessors in a county;~~

41 may employ professional appraisers as technical advisors. A decision
42 by ~~one (1) or more assessors referred to in subdivisions (1) and (2) a~~



1 **county assessor** to not employ a professional appraiser as a technical
 2 advisor in a general reassessment is subject to approval by the
 3 department of local government finance.

4 (b) After notice to the county assessor and all township assessors in
 5 the county, a majority of the assessors authorized to vote under this
 6 subsection may vote to:

7 (1) employ a professional appraiser to act as a technical advisor
 8 in the county during a general reassessment period;

9 (2) appoint an assessor or a group of assessors to:

10 (A) enter into and administer the contract with a professional
 11 appraiser employed under this section; and

12 (B) oversee the work of a professional appraiser employed
 13 under this section:

14 Each township assessor and the county assessor has one (1) vote. A
 15 decision by a majority of the persons authorized to vote is binding on
 16 the county assessor and all township assessors in the county. Subject
 17 to the limitations in section 18.5 of this chapter, the assessor or
 18 assessors appointed under subdivision (2) may contract with a
 19 professional appraiser employed under this section to supply technical
 20 advice during a general reassessment period for all townships in the
 21 county. A proportionate part of the appropriation to all townships for
 22 assessing purposes shall be used to pay for the technical advice:

23 (c) (b) As used in this chapter, "professional appraiser" means an
 24 individual or firm that is certified under IC 6-1.1-31.7.

25 SECTION 36. IC 6-1.1-4-18.5 IS AMENDED TO READ AS
 26 FOLLOWS [EFFECTIVE JANUARY 1, 2009]: Sec. 18.5. (a) A
 27 township assessor, a group of township assessors, or the county
 28 assessor may not use the services of a professional appraiser for
 29 assessment or reassessment purposes without a written contract. The
 30 contract used must be either a standard contract developed by the state
 31 board of tax commissioners (before the board was abolished) or the
 32 department of local government finance or a contract which has been
 33 specifically approved by the board or the department. The department
 34 shall ensure that the contract:

35 (1) includes all of the provisions required under section 19.5(b)
 36 of this chapter; and

37 (2) adequately provides for the creation and transmission of real
 38 property assessment data in the form required by the legislative
 39 services agency and the division of data analysis of the
 40 department.

41 (b) No contract shall be made with any professional appraiser to act
 42 as technical advisor in the assessment of property, before the giving of



notice and the receiving of bids from anyone desiring to furnish this service. Notice of the time and place for receiving bids for the contract shall be given by publication by one (1) insertion in two (2) newspapers of general circulation published in the county and representing each of the two (2) leading political parties in the county. ~~or~~ If only one (1) newspaper is there published, notice in that one (1) newspaper is sufficient to comply with the requirements of this subsection. The contract shall be awarded to the lowest and best bidder who meets all requirements under law for entering a contract to serve as technical advisor in the assessment of property. However, any and all bids may be rejected, and new bids may be asked.

(c) The county council of each county shall appropriate the funds needed to meet the obligations created by a professional appraisal services contract which is entered into under this chapter.

SECTION 37. IC 6-1.1-4-19.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2009]: Sec. 19.5. (a) The department of local government finance shall develop a standard contract or standard provisions for contracts to be used in securing professional appraising services.

(b) The standard contract or contract provisions must contain:

- (1) a fixed date by which the professional appraiser or appraisal firm shall have completed all responsibilities under the contract;
- (2) a penalty clause under which the amount to be paid for appraisal services is decreased for failure to complete specified services within the specified time;
- (3) a provision requiring the appraiser, or appraisal firm, to make periodic reports to the ~~township assessors involved;~~ **county assessor;**
- (4) a provision stipulating the manner in which, and the time intervals at which, the periodic reports referred to in subdivision (3) of this subsection are to be made;
- (5) a precise stipulation of what service or services are to be provided and what class or classes of property are to be appraised;
- (6) a provision stipulating that the contractor will generate complete parcel characteristics and parcel assessment data in a manner and format acceptable to the legislative services agency and the department of local government finance; and
- (7) a provision stipulating that the legislative services agency and the department of local government finance have unrestricted access to the contractor's work product under the contract.

The department of local government finance may devise other necessary provisions for the contracts in order to give effect to ~~the~~



1 ~~provisions of~~ this chapter.

2 (c) In order to comply with the duties assigned to it by this section,
3 the department of local government finance may develop:

- 4 (1) one (1) or more model contracts;
5 (2) one (1) contract with alternate provisions; or
6 (3) any combination of subdivisions (1) and (2).

7 The department may approve special contract language in order to meet
8 any unusual situations.

9 SECTION 38. IC 6-1.1-4-20 IS AMENDED TO READ AS
10 FOLLOWS [EFFECTIVE JANUARY 1, 2009]: Sec. 20. The
11 department of local government finance may establish a period with
12 respect to each general reassessment that is the only time during which
13 a ~~township~~ or county assessor may enter into a contract with a
14 professional appraiser. The period set by the department of local
15 government finance may not begin before January 1 of the year the
16 general reassessment begins. If no period is established by the
17 department of local government finance, a ~~township~~ or county assessor
18 may enter into such a contract only on or after January 1 and before
19 April 16 of the year in which the general reassessment is to commence.

20 SECTION 39. IC 6-1.1-4-21 IS AMENDED TO READ AS
21 FOLLOWS [EFFECTIVE JANUARY 1, 2009]: Sec. 21. (a) If, during
22 a period of general reassessment, a ~~township~~ **county** assessor
23 **personally** makes the real property appraisals, ~~himself~~, the appraisals
24 of the parcels subject to taxation must be completed as follows:

- 25 (1) The appraisal of one-fourth (1/4) of the parcels shall be
26 completed before December 1 of the year in which the general
27 reassessment begins.
28 (2) The appraisal of one-half (1/2) of the parcels shall be
29 completed before May 1 of the year following the year in which
30 the general reassessment begins.
31 (3) The appraisal of three-fourths (3/4) of the parcels shall be
32 completed before October 1 of the year following the year in
33 which the general reassessment begins.
34 (4) The appraisal of all the parcels shall be completed before
35 March 1 of the second year following the year in which the
36 general reassessment begins.

37 (b) If a ~~township~~ **county** assessor employs a professional appraiser
38 or a professional appraisal firm to make real property appraisals during
39 a period of general reassessment, the professional appraiser or
40 appraisal firm must file appraisal reports with the ~~township~~ **county**
41 assessor as follows:

- 42 (1) The appraisals for one-fourth (1/4) of the parcels shall be



1 reported before December 1 of the year in which the general
2 reassessment begins.

3 (2) The appraisals for one-half (1/2) of the parcels shall be
4 reported before May 1 of the year following the year in which the
5 general reassessment begins.

6 (3) The appraisals for three-fourths (3/4) of the parcels shall be
7 reported before October 1 of the year following the year in which
8 the general reassessment begins.

9 (4) The appraisals for all the parcels shall be reported before
10 March 1 of the second year following the year in which the
11 general reassessment begins.

12 However, the reporting requirements prescribed in this subsection do
13 not apply if the contract under which the professional appraiser, or
14 appraisal firm, is employed prescribes different reporting procedures.

15 SECTION 40. IC 6-1.1-4-22 IS AMENDED TO READ AS
16 FOLLOWS [EFFECTIVE JANUARY 1, 2009]: Sec. 22. (a) If any
17 assessing official ~~or any county property tax assessment board of~~
18 ~~appeals~~ assesses or reassesses any real property under the provisions
19 of this article, the official ~~or county property tax assessment board of~~
20 ~~appeals~~ shall give notice to the taxpayer and the county assessor, by
21 mail, of the amount of the assessment or reassessment.

22 (b) During a period of general reassessment, each ~~township~~ **county**
23 assessor shall mail the notice required by this section within ninety (90)
24 days after ~~he~~ **the assessor**:

25 (1) completes ~~his~~ **the** appraisal of a parcel; or

26 (2) receives a report for a parcel from a professional appraiser or
27 professional appraisal firm.

28 SECTION 41. IC 6-1.1-4-25, AS AMENDED BY P.L.177-2005,
29 SECTION 27, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
30 JANUARY 1, 2009]: Sec. 25. (a) Each ~~township~~ **county** assessor shall
31 keep the assessor's reassessment data and records current by securing
32 the necessary field data and by making changes in the assessed value
33 of real property as changes occur in the use of the real property. The
34 ~~township~~ **county** assessor's records shall at all times show the assessed
35 value of real property in accordance with ~~the provisions of~~ this chapter.
36 ~~The township assessor shall ensure that the county assessor has full~~
37 ~~access to the assessment records maintained by the township assessor.~~

38 (b) The ~~township~~ assessor in a county having a consolidated city or
39 ~~the county assessor in every other county~~, shall:

40 (1) maintain an electronic data file of:

41 (A) the parcel characteristics and parcel assessments of all
42 parcels; and



(B) the personal property return characteristics and assessments by return;

for each township in the county as of each assessment date;

(2) maintain the electronic file in a form that formats the information in the file with the standard data, field, and record coding required and approved by:

(A) the legislative services agency; and

(B) the department of local government finance;

(3) transmit the data in the file with respect to the assessment date of each year before October 1 of the year to:

(A) the legislative services agency; and

(B) the department of local government finance;

in a manner that meets the data export and transmission requirements in a standard format, as prescribed by the office of technology established by IC 4-13.1-2-1 and approved by the legislative services agency; and

(4) resubmit the data in the form and manner required under this subsection, upon request of the legislative services agency or the department of local government finance, if data previously submitted under this subsection does not comply with the requirements of this subsection, as determined by the legislative services agency or the department of local government finance.

An electronic data file maintained for a particular assessment date may not be overwritten with data for a subsequent assessment date until a copy of an electronic data file that preserves the data for the particular assessment date is archived in the manner prescribed by the office of technology established by IC 4-13.1-2-1 and approved by the legislative services agency.

SECTION 42. IC 6-1.1-4-27.5, AS AMENDED BY P.L.219-2007, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2009]: Sec. 27.5. (a) The auditor of each county shall establish a property reassessment fund. The county treasurer shall deposit all collections resulting from the property taxes that the county levies for the county's property reassessment fund.

(b) With respect to the general reassessment of real property that is to commence on July 1, 2009, the county council of each county shall, for property taxes due in 2006, 2007, 2008, and 2009, levy in each year against all the taxable property in the county an amount equal to one-fourth (1/4) of the remainder of:

(1) the estimated costs referred to in section 28.5(a) of this chapter; minus

(2) the amount levied under this section by the county council for



property taxes due in 2004 and 2005.

(c) With respect to a general reassessment of real property that is to commence on July 1, 2014, and each fifth year thereafter, the county council of each county shall, for property taxes due in the year that the general reassessment is to commence and the four (4) years preceding that year, levy against all the taxable property in the county an amount equal to one-fifth (1/5) of the estimated costs of the general reassessment under section 28.5 of this chapter.

(d) The department of local government finance shall give to each county council notice, before January 1 in a year, of the tax levies required by this section for that year.

(e) The department of local government finance may raise or lower the property tax levy under this section for a year if the department determines it is appropriate because the estimated cost of:

(1) a general reassessment; or

(2) making annual adjustments under section 4.5 of this chapter; has changed.

(f) The county assessor ~~or township assessor~~ may petition the county fiscal body to increase the levy under subsection (b) or (c) to pay for the costs of:

(1) a general reassessment;

(2) verification under 50 IAC 21-3-2 of sales disclosure forms forwarded to

~~(A) the county assessor or~~

~~(B) township assessors;~~

under IC 6-1.1-5.5-3; or

(3) processing annual adjustments under section 4.5 of this chapter.

The assessor must document the needs and reasons for the increased funding.

(g) If the county fiscal body denies a petition under subsection (f), the **county** assessor may appeal to the department of local government finance. The department of local government finance shall:

(1) hear the appeal; and

(2) determine whether the additional levy is necessary.

SECTION 43. IC 6-1.1-4-28.5, AS AMENDED BY P.L.219-2007, SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2009]: Sec. 28.5. (a) Money assigned to a property reassessment fund under section 27.5 of this chapter may be used only to pay the costs of:

(1) the general reassessment of real property, including the computerization of assessment records;



(2) payments to ~~county assessors, members of property tax assessment boards of appeals, or~~ assessing officials **and hearing officers for county property tax assessment boards of appeals** under IC 6-1.1-35.2;

(3) the development or updating of detailed soil survey data by the United States Department of Agriculture or its successor agency;

(4) the updating of plat books;

(5) payments for the salary of permanent staff or for the contractual services of temporary staff who are necessary to assist ~~county assessors, members of a county property tax assessment board of appeals, and~~ assessing officials;

(6) making annual adjustments under section 4.5 of this chapter; and

(7) the verification under 50 IAC 21-3-2 of sales disclosure forms forwarded to

~~(A) the county assessor or~~

~~(B) township assessors;~~

under IC 6-1.1-5.5-3.

Money in a property tax reassessment fund may not be transferred or reassigned to any other fund and may not be used for any purposes other than those set forth in this section.

(b) All counties shall use modern, detailed soil maps in the general reassessment of agricultural land.

(c) The county treasurer of each county shall, in accordance with IC 5-13-9, invest any money accumulated in the property reassessment fund. Any interest received from investment of the money shall be paid into the property reassessment fund.

(d) An appropriation under this section must be approved by the fiscal body of the county after the review and recommendation of the county assessor. ~~However, in a county with an elected township assessor in every township, the county assessor does not review an appropriation under this section, and only the fiscal body must approve an appropriation under this section.~~

SECTION 44. IC 6-1.1-4-29 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2009]: Sec. 29. (a) The expenses of a reassessment, except those incurred by the department of local government finance in performing its normal functions, shall be paid by the county in which the reassessed property is situated. These expenses, except for the expenses of a general reassessment, shall be paid from county funds. The county auditor shall issue warrants for the payment of reassessment expenses. No prior appropriations are



1 required in order for the auditor to issue warrants.

2 (b) An order of the department of local government finance
3 directing the reassessment of property shall contain an estimate of the
4 cost of making the reassessment. The ~~local~~ assessing officials ~~in~~ the
5 county, ~~assessor~~; the county property tax assessment board of appeals,
6 and the county auditor may not exceed the amount so estimated by the
7 department of local government finance.

8 SECTION 45. IC 6-1.1-4-31, AS AMENDED BY P.L.228-2005,
9 SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
10 JANUARY 1, 2009]: Sec. 31. (a) The department of local government
11 finance shall periodically check the conduct of:

- 12 (1) a general reassessment of property;
- 13 (2) work required to be performed by local officials under 50
- 14 IAC 21; and
- 15 (3) other property assessment activities in the county, as
- 16 determined by the department.

17 The department of local government finance may inform ~~township~~
18 ~~assessors~~, county assessors and the presidents of county councils in
19 writing if its check reveals that the general reassessment or other
20 property assessment activities are not being properly conducted, work
21 required to be performed by local officials under 50 IAC 21 is not
22 being properly conducted, or property assessments are not being
23 properly made.

24 (b) The failure of the department of local government finance to
25 inform local officials under subsection (a) shall not be construed as an
26 indication by the department that:

- 27 (1) the general reassessment or other property assessment
- 28 activities are being properly conducted;
- 29 (2) work required to be performed by local officials under 50
- 30 IAC 21 is being properly conducted; or
- 31 (3) property assessments are being properly made.

32 (c) If the department of local government finance:

- 33 (1) determines under subsection (a) that a general reassessment
- 34 or other assessment activities for a general reassessment year or
- 35 any other year are not being properly conducted; and
- 36 (2) informs:

37 ~~(A) the township assessor of each affected township;~~

38 ~~(B)~~ (A) the county assessor; and

39 ~~(C)~~ (B) the president of the county council;

40 in writing under subsection (a);

41 the department may order a state conducted assessment or reassessment
42 under section 31.5 of this chapter to begin not less than sixty (60) days



1 after the date of the notice under subdivision (2). If the department
 2 determines during the period between the date of the notice under
 3 subdivision (2) and the proposed date for beginning the state conducted
 4 assessment or reassessment that the general reassessment or other
 5 assessment activities for the general reassessment are being properly
 6 conducted, the department may rescind the order.

7 (d) If the department of local government finance:

8 (1) determines under subsection (a) that work required to be
 9 performed by local officials under 50 IAC 21 is not being
 10 properly conducted; and

11 (2) informs:

12 ~~(A) the township assessor of each affected township;~~

13 ~~(B)~~ (A) the county assessor; and

14 ~~(C)~~ (B) the president of the county council;

15 in writing under subsection (a);

16 the department may conduct the work or contract to have the work
 17 conducted to begin not less than sixty (60) days after the date of the
 18 notice under subdivision (2). If the department determines during the
 19 period between the date of the notice under subdivision (2) and the
 20 proposed date for beginning the work or having the work conducted
 21 that work required to be performed by local officials under 50 IAC 21
 22 is being properly conducted, the department may rescind the order.

23 (e) If the department of local government finance contracts to have
 24 work conducted under subsection (d), the department shall forward the
 25 bill for the services to the county and the county shall pay the bill under
 26 the same procedures that apply to county payments of bills for
 27 assessment or reassessment services under section 31.5 of this chapter.

28 SECTION 46. IC 6-1.1-4-31.5, AS ADDED BY P.L.228-2005,
 29 SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 30 JANUARY 1, 2009]: Sec. 31.5. ~~(a) As used in this section, "assessment~~
 31 ~~official" means any of the following:~~

32 ~~(1) A county assessor.~~

33 ~~(2) A township assessor.~~

34 ~~(3) A township trustee-assessor.~~

35 ~~(b)~~ (a) As used in this section, "department" refers to the department
 36 of local government finance.

37 ~~(c)~~ (b) If the department makes a determination and informs local
 38 officials under section 31(c) of this chapter, the department may order
 39 a state conducted assessment or reassessment in the county subject to
 40 the time limitation in that subsection.

41 ~~(d)~~ (c) If the department orders a state conducted assessment or
 42 reassessment in a county, the department shall assume the duties of the



~~county's assessment officials.~~ **county assessor.** Notwithstanding sections 15 and 17 of this chapter, ~~an assessment official in a county~~ **assessor** subject to an order issued under this section may not assess property or have property assessed for the assessment or general reassessment. Until the state conducted assessment or reassessment is completed under this section, the assessment or reassessment duties of ~~an assessment official in the county~~ **assessor** are limited to providing the department or a contractor of the department the support and information requested by the department or the contractor.

~~(c)~~ **(d)** Before assuming the duties of a ~~county's assessment officials,~~ **county assessor,** the department shall transmit a copy of the department's order requiring a state conducted assessment or reassessment to the ~~county's assessment officials,~~ **county assessor,** the county fiscal body, the county auditor, and the county treasurer. Notice of the department's actions must be published one (1) time in a newspaper of general circulation published in the county. The department is not required to conduct a public hearing before taking action under this section.

~~(f) Township and county officials in~~ **(e)** A county **assessor** subject to an order issued under this section shall, at the request of the department or the department's contractor, make available and provide access to all:

- (1) data;
- (2) records;
- (3) maps;
- (4) parcel record cards;
- (5) forms;
- (6) computer software systems;
- (7) computer hardware systems; and
- (8) other information;

related to the assessment or reassessment of real property in the county. The information described in this subsection must be provided at no cost to the department or the contractor of the department. A failure to provide information requested under this subsection constitutes a failure to perform a duty related to an assessment or a general reassessment and is subject to IC 6-1.1-37-2.

~~(g)~~ **(f)** The department may enter into a contract with a professional appraising firm to conduct an assessment or reassessment under this section. If a county ~~or a township located in the county~~ entered into a contract with a professional appraising firm to conduct the county's assessment or reassessment before the department orders a state conducted assessment or reassessment in the county under this section,



the contract:

(1) is as valid as if it had been entered into by the department; and

(2) shall be treated as the contract of the department.

~~(h)~~ (g) After receiving the report of assessed values from the appraisal firm acting under a contract described in subsection ~~(g)~~; (f), the department shall give notice to the taxpayer and the county assessor, by mail, of the amount of the assessment or reassessment. The notice of assessment or reassessment:

(1) is subject to appeal by the taxpayer under section 31.7 of this chapter; and

(2) must include a statement of the taxpayer's rights under section 31.7 of this chapter.

~~(i)~~ (h) The department shall forward a bill for services provided under a contract described in subsection ~~(g)~~ (f) to the auditor of the county in which the state conducted reassessment occurs. The county shall pay the bill under the procedures prescribed by subsection ~~(j)~~; (i).

~~(j)~~ (i) A county subject to an order issued under this section shall pay the cost of a contract described in subsection ~~(g)~~; (f), without appropriation, from the county property reassessment fund. A contractor may periodically submit bills for partial payment of work performed under the contract. Notwithstanding any other law, a contractor is entitled to payment under this subsection for work performed under a contract if the contractor:

(1) submits to the department a fully itemized, certified bill in the form required by IC 5-11-10-1 for the costs of the work performed under the contract;

(2) obtains from the department:

(A) approval of the form and amount of the bill; and

(B) a certification that the billed goods and services have been received and comply with the contract; and

(3) files with the county auditor:

(A) a duplicate copy of the bill submitted to the department;

(B) proof of the department's approval of the form and amount of the bill; and

(C) the department's certification that the billed goods and services have been received and comply with the contract.

The department's approval and certification of a bill under subdivision (2) shall be treated as conclusively resolving the merits of a contractor's claim. Upon receipt of the documentation described in subdivision (3), the county auditor shall immediately certify that the bill is true and correct without further audit ~~publish the claim as required by IC 36-2-6-3~~; and submit the claim to the county executive. The county



1 executive shall allow the claim, in full, as approved by the department,
 2 without further examination of the merits of the claim in a regular or
 3 special session that is held not less than three (3) days and not more
 4 than seven (7) days after the ~~completion of the publication~~
 5 ~~requirements under IC 36-2-6-3~~; **date the claim is certified by the**
 6 **county fiscal officer if the procedures in IC 5-11-10-2 are used to**
 7 **approve the claim or the date the claim is placed on the claim**
 8 **docket under IC 36-2-6-4 if the procedures in IC 36-2-6-4 are used**
 9 **to approve the claim.** Upon allowance of the claim by the county
 10 executive, the county auditor shall immediately issue a warrant or
 11 check for the full amount of the claim approved by the department.
 12 Compliance with this subsection constitutes compliance with
 13 IC 5-11-6-1, IC 5-11-10, and IC 36-2-6. The determination and
 14 payment of a claim in compliance with this subsection is not subject to
 15 remonstrance and appeal. IC 36-2-6-4(f) and IC 36-2-6-9 do not apply
 16 to a claim submitted under this subsection. IC 5-11-10-1.6(d) applies
 17 to a fiscal officer who pays a claim in compliance with this subsection.

18 ~~(k)~~ **(j)** Notwithstanding IC 4-13-2, a period of seven (7) days is
 19 permitted for each of the following to review and act under IC 4-13-2
 20 on a contract of the department entered into under this section:

- 21 (1) The commissioner of the Indiana department of
- 22 administration.
- 23 (2) The director of the budget agency.
- 24 (3) The attorney general.

25 ~~(l)~~ **(k)** If money in the county's property reassessment fund is
 26 insufficient to pay for an assessment or reassessment conducted under
 27 this section, the department may increase the tax rate and tax levy of
 28 the county's property reassessment fund to pay the cost and expenses
 29 related to the assessment or reassessment.

30 ~~(m)~~ **(l)** The department or the contractor of the department shall use
 31 the land values determined under section 13.6 of this chapter for a
 32 county subject to an order issued under this section to the extent that
 33 the department or the contractor finds that the land values reflect the
 34 true tax value of land, as determined under this article and the rules of
 35 the department. If the department or the contractor finds that the land
 36 values determined for the county under section 13.6 of this chapter do
 37 not reflect the true tax value of land, the department or the contractor
 38 shall determine land values for the county that reflect the true tax value
 39 of land, as determined under this article and the rules of the
 40 department. Land values determined under this subsection shall be
 41 used to the same extent as if the land values had been determined under
 42 section 13.6 of this chapter. The department or the contractor of the



department shall notify the county's ~~assessment~~ **assessing** officials of the land values determined under this subsection.

~~(n)~~ **(m)** A contractor of the department may notify the department if:

(1) a county auditor fails to:

(A) certify the contractor's bill;

(B) publish the contractor's claim;

(C) submit the contractor's claim to the county executive; or

(D) issue a warrant or check for payment of the contractor's bill;

as required by subsection ~~(j)~~ **(i)** at the county auditor's first legal opportunity to do so;

(2) a county executive fails to allow the contractor's claim as legally required by subsection ~~(j)~~ **(i)** at the county executive's first legal opportunity to do so; or

(3) a person or an entity authorized to act on behalf of the county takes or fails to take an action, including failure to request an appropriation, and that action or failure to act delays or halts progress under this section for payment of the contractor's bill.

~~(o)~~ **(n)** The department, upon receiving notice under subsection ~~(n)~~ **(m)** from a contractor of the department, shall:

(1) verify the accuracy of the contractor's assertion in the notice that:

(A) a failure occurred as described in subsection ~~(n)(1)~~ **(m)(1)** or ~~(n)(2)~~; **(m)(2)**; or

(B) a person or an entity acted or failed to act as described in subsection ~~(n)(3)~~; **(m)(3)**; and

(2) provide to the treasurer of state the department's approval under subsection ~~(j)(2)(A)~~ **(i)(2)(A)** of the contractor's bill with respect to which the contractor gave notice under subsection ~~(n)~~; **(m)**.

~~(p)~~ **(o)** Upon receipt of the department's approval of a contractor's bill under subsection ~~(o)~~; **(n)**, the treasurer of state shall pay the contractor the amount of the bill approved by the department from money in the possession of the state that would otherwise be available for distribution to the county, including distributions from the property tax replacement fund or distribution of admissions taxes or wagering taxes.

~~(q)~~ **(p)** The treasurer of state shall withhold from the money that would be distributed under IC 4-33-12-6, IC 4-33-13-5, IC 6-1.1-21-4(b), or any other law to a county described in a notice provided under subsection ~~(n)~~ **(m)** the amount of a payment made by



the treasurer of state to the contractor of the department under subsection ~~(p)~~: **(o)**. Money shall be withheld first from the money payable to the county under IC 6-1.1-21-4(b) and then from all other sources payable to the county.

~~(r)~~ **(q)** Compliance with subsections ~~(n)~~ **(m)** through ~~(q)~~ **(p)** constitutes compliance with IC 5-11-10.

~~(s)~~ **(r)** IC 5-11-10-1.6(d) applies to the treasurer of state with respect to the payment made in compliance with subsections ~~(n)~~ **(m)** through ~~(q)~~: **(p)**. This subsection and subsections ~~(n)~~ **(m)** through ~~(q)~~ **(p)** must be interpreted liberally so that the state shall, to the extent legally valid, ensure that the contractual obligations of a county subject to this section are paid. Nothing in this section shall be construed to create a debt of the state.

~~(t)~~ **(s)** The provisions of this section are severable as provided in IC 1-1-1-8(b).

SECTION 47. IC 6-1.1-4-31.6, AS ADDED BY P.L.228-2005, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2009]: Sec. 31.6. (a) Subject to the other requirements of this section, the department of local government finance may:

(1) negotiate an addendum to a contract referred to in ~~section 31.5(g)~~ **section 31.5(f)** of this chapter that is treated as a contract of the department; or

(2) include provisions in a contract entered into by the department under ~~section 31.5(g)~~ **section 31.5(f)** of this chapter;

to require the contractor of the department to represent the department in appeals initiated under section 31.7 of this chapter and to afford to taxpayers an opportunity to attend an informal hearing.

(b) The purpose of the informal hearing referred to in subsection (a) is to:

(1) discuss the specifics of the taxpayer's assessment or reassessment;

(2) review the taxpayer's property record card;

(3) explain to the taxpayer how the assessment or reassessment was determined;

(4) provide to the taxpayer information about the statutes, rules, and guidelines that govern the determination of the assessment or reassessment;

(5) note and consider objections of the taxpayer;

(6) consider all errors alleged by the taxpayer; and

(7) otherwise educate the taxpayer about:

(A) the taxpayer's assessment or reassessment;

(B) the assessment or reassessment process; and



- 1 (C) the assessment or reassessment appeal process under
 2 section 31.7 of this chapter.
- 3 (c) Following an informal hearing referred to in subsection (b), the
 4 contractor shall:
- 5 (1) make a recommendation to the department of local
 6 government finance as to whether a change in the reassessment is
 7 warranted; and
- 8 (2) if recommending a change under subdivision (1), provide to
 9 the department a statement of:
- 10 (A) how the changed assessment or reassessment was
 11 determined; and
- 12 (B) the amount of the changed assessment or reassessment.
- 13 (d) To preserve the right to appeal under section 31.7 of this
 14 chapter, a taxpayer must initiate the informal hearing process by
 15 notifying the department of local government finance or its designee of
 16 the taxpayer's intent to participate in an informal hearing referred to in
 17 subsection (b) not later than forty-five (45) days after the department
 18 of local government finance gives notice under ~~section 31.5(h)~~ **section**
 19 **31.5(g)** of this chapter to taxpayers of the amount of the reassessment.
- 20 (e) The informal hearings referred to in subsection (b) must be
 21 conducted:
- 22 (1) in the county where the property is located; and
- 23 (2) in a manner determined by the department of local
 24 government finance.
- 25 (f) The department of local government finance shall:
- 26 (1) consider the recommendation of the contractor under
 27 subsection (c); and
- 28 (2) if the department accepts a recommendation that a change in
 29 the assessment or reassessment is warranted, accept or modify the
 30 recommended amount of the changed assessment or reassessment.
- 31 (g) The department of local government finance shall send a notice
 32 of the result of each informal hearing to:
- 33 (1) the taxpayer;
- 34 (2) the county auditor; **and**
- 35 (3) the county assessor. ~~and~~
- 36 ~~(4) the township assessor of the township in which the property~~
 37 ~~is located.~~
- 38 (h) A notice under subsection (g) must:
- 39 (1) state whether the assessment or reassessment was changed as
 40 a result of the informal hearing; and
- 41 (2) if the assessment or reassessment was changed as a result of
 42 the informal hearing:



(A) indicate the amount of the changed assessment or reassessment; and

(B) provide information on the taxpayer's right to appeal under section 31.7 of this chapter.

(i) If the department of local government finance does not send a notice under subsection (g) not later than two hundred seventy (270) days after the date the department gives notice of the amount of the assessment or reassessment under ~~section 31.5(h)~~ **section 31.5(g)** of this chapter:

(1) the department may not change the amount of the assessment or reassessment under the informal hearing process described in this section; and

(2) the taxpayer may appeal the assessment or reassessment under section 31.7 of this chapter.

(j) The department of local government finance may adopt rules to establish procedures for informal hearings under this section.

(k) Payment for an addendum to a contract under subsection (a)(1) is made in the same manner as payment for the contract under ~~section 31.5(i)~~ **section 31.5(h)** of this chapter.

SECTION 48. IC 6-1.1-4-31.7, AS AMENDED BY P.L.219-2007, SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2009]: Sec. 31.7. (a) As used in this section, "special master" refers to a person designated by the Indiana board under subsection (e).

(b) The notice of assessment or reassessment under ~~section 31.5(h)~~ **section 31.5(g)** of this chapter is subject to appeal by the taxpayer to the Indiana board. The procedures and time limitations that apply to an appeal to the Indiana board of a determination of the department of local government finance do not apply to an appeal under this subsection. The Indiana board may establish applicable procedures and time limitations under subsection (l).

(c) In order to appeal under subsection (b), the taxpayer must:

(1) participate in the informal hearing process under section 31.6 of this chapter;

(2) except as provided in section 31.6(i) of this chapter, receive a notice under section 31.6(g) of this chapter; and

(3) file a petition for review with the appropriate county assessor not later than thirty (30) days after:

(A) the date of the notice to the taxpayer under section 31.6(g) of this chapter; or

(B) the date after which the department may not change the amount of the assessment or reassessment under the informal



- 1 hearing process described in section 31.6 of this chapter.
- 2 (d) The Indiana board may develop a form for petitions under
- 3 subsection (c) that outlines:
- 4 (1) the appeal process;
- 5 (2) the burden of proof; and
- 6 (3) evidence necessary to warrant a change to an assessment or
- 7 reassessment.
- 8 (e) The Indiana board may contract with, appoint, or otherwise
- 9 designate the following to serve as special masters to conduct
- 10 evidentiary hearings and prepare reports required under subsection (g):
- 11 (1) Independent, licensed appraisers.
- 12 (2) Attorneys.
- 13 (3) Certified level two or level three Indiana assessor-appraisers
- 14 (including administrative law judges employed by the Indiana
- 15 board).
- 16 (4) Other qualified individuals.
- 17 (f) Each contract entered into under subsection (e) must specify the
- 18 appointee's compensation and entitlement to reimbursement for
- 19 expenses. The compensation and reimbursement for expenses are paid
- 20 from the county property reassessment fund.
- 21 (g) With respect to each petition for review filed under subsection
- 22 (c), the special masters shall:
- 23 (1) set a hearing date;
- 24 (2) give notice of the hearing at least thirty (30) days before the
- 25 hearing date, by mail, to:
- 26 (A) the taxpayer;
- 27 (B) the department of local government finance;
- 28 ~~(C) the township assessor;~~ and
- 29 ~~(D)~~ (C) the county assessor;
- 30 (3) conduct a hearing and hear all evidence submitted under this
- 31 section; and
- 32 (4) make evidentiary findings and file a report with the Indiana
- 33 board.
- 34 (h) At the hearing under subsection (g):
- 35 (1) the taxpayer shall present:
- 36 (A) the taxpayer's evidence that the assessment or
- 37 reassessment is incorrect;
- 38 (B) the method by which the taxpayer contends the assessment
- 39 or reassessment should be correctly determined; and
- 40 (C) comparable sales, appraisals, or other pertinent
- 41 information concerning valuation as required by the Indiana
- 42 board; and



(2) the department of local government finance shall present its evidence that the assessment or reassessment is correct.

(i) The Indiana board may dismiss a petition for review filed under subsection (c) if the evidence and other information required under subsection (h)(1) is not provided at the hearing under subsection (g).

(j) The ~~township assessor and the~~ county assessor may attend and participate in the hearing under subsection (g).

(k) The Indiana board may:

(1) consider the report of the special masters under subsection (g)(4);

(2) make a final determination based on the findings of the special masters without:

(A) conducting a hearing; or

(B) any further proceedings; and

(3) incorporate the findings of the special masters into the board's findings in resolution of the appeal.

(l) The Indiana board may adopt rules under IC 4-22-2-37.1 to:

(1) establish procedures to expedite:

(A) the conduct of hearings under subsection (g); and

(B) the issuance of determinations of appeals under subsection (k); and

(2) establish deadlines:

(A) for conducting hearings under subsection (g); and

(B) for issuing determinations of appeals under subsection (k).

(m) A determination by the Indiana board of an appeal under subsection (k) is subject to appeal to the tax court under IC 6-1.1-15.

SECTION 49. IC 6-1.1-4-39, AS AMENDED BY P.L.199-2005, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2009]: Sec. 39. (a) For assessment dates after February 28, 2005, except as provided in subsections (c) and (e), the true tax value of real property regularly used to rent or otherwise furnish residential accommodations for periods of thirty (30) days or more and that has more than four (4) rental units is the lowest valuation determined by applying each of the following appraisal approaches:

(1) Cost approach that includes an estimated reproduction or replacement cost of buildings and land improvements as of the date of valuation together with estimates of the losses in value that have taken place due to wear and tear, design and plan, or neighborhood influences.

(2) Sales comparison approach, using data for generally comparable property.

(3) Income capitalization approach, using an applicable



capitalization method and appropriate capitalization rates that are developed and used in computations that lead to an indication of value commensurate with the risks for the subject property use.

(b) The gross rent multiplier method is the preferred method of valuing:

- (1) real property that has at least one (1) and not more than four (4) rental units; and
- (2) mobile homes assessed under IC 6-1.1-7.

(c) A ~~township~~ **county** assessor is not required to appraise real property referred to in subsection (a) using the three (3) appraisal approaches listed in subsection (a) if the ~~township~~ **county** assessor and the taxpayer agree before notice of the assessment is given to the taxpayer under section 22 of this chapter to the determination of the true tax value of the property by the assessor using one (1) of those appraisal approaches.

(d) To carry out this section, the department of local government finance may adopt rules for **county** assessors to use in gathering and processing information for the application of the income capitalization method and the gross rent multiplier method. A taxpayer must verify under penalties for perjury any information provided to the **county** assessor for use in the application of either method.

(e) The true tax value of low income rental property (as defined in section 41 of this chapter) is not determined under subsection (a). The assessment method prescribed in section 41 of this chapter is the exclusive method for assessment of that property. This subsection does not impede any rights to appeal an assessment.

SECTION 50. IC 6-1.1-4-39.5, AS ADDED BY P.L.233-2007, SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2009]: Sec. 39.5. (a) As used in this section, "qualified real property" means a riverboat (as defined in IC 4-33-2-17).

(b) Except as provided in subsection (c), the true tax value of qualified real property is the lowest valuation determined by applying each of the following appraisal approaches:

- (1) Cost approach that includes an estimated reproduction or replacement cost of buildings and land improvements as of the date of valuation together with estimates of the losses in value that have taken place due to wear and tear, design and plan, or neighborhood influences using base prices determined under 50 IAC 2.3 and associated guidelines published by the department.
- (2) Sales comparison approach, using data for generally comparable property, excluding values attributable to licenses, fees, or personal property as determined under 50 IAC 4.2.



(3) Income capitalization approach, using an applicable capitalization method and appropriate capitalization rates that are developed and used in computations that lead to an indication of value commensurate with the risks for the subject property use.

(c) A **township county** assessor is not required to appraise qualified real property using the three (3) appraisal approaches listed in subsection (b) if the **township county** assessor and the taxpayer agree before notice of the assessment is given to the taxpayer under section 22 of this chapter to the determination of the true tax value of the property by the assessor using one (1) of those appraisal approaches.

(d) To carry out this section, the department of local government finance may adopt rules for assessors to use in gathering and processing information for the application of the income capitalization method. A taxpayer must verify under penalties for perjury any information provided to the assessor for use in the application of the income capitalization method.

SECTION 51. IC 6-1.1-5-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2009]: Sec. 8. Except as provided in section 9 of this chapter, the county auditor of each county shall annually prepare and deliver to the **township county** assessor a list of all real property entered in the **township county** as of the assessment date. The county auditor shall deliver the list within thirty (30) days after the assessment date. The county auditor shall prepare the list in the form prescribed or approved by the department of local government finance.

SECTION 52. IC 6-1.1-5-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2009]: Sec. 9. Except as provided in section 4(b) of this chapter, ~~for all civil townships in which~~ **in a county containing** a consolidated city, ~~is situated,~~ the **township county** assessor has the duties and authority described in sections 1 through 8 of this chapter. These duties and authority include effecting the transfer of title to real property and preparing, maintaining, approving, correcting, indexing, and publishing the list or record of, or description of title to, real property. If a court renders a judgment for the partition or transfer of real property located in ~~one (1) of these townships,~~ **a county containing a consolidated city,** the clerk of the court shall deliver the transcript to the **township county** assessor.

SECTION 53. IC 6-1.1-5-9.1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2009]: Sec. 9.1. (a) Except:

(1) as provided in subsection (b); and

(2) for civil townships described in section 9 of this chapter;

and notwithstanding the provisions of sections 1 through 8 of this



chapter, for all other civil townships having a population of thirty-five thousand (35,000) or more, for a civil township that falls below a population of thirty-five thousand (35,000) at a federal decennial census that takes effect after December 31, 2001, and for all other civil townships in which a city of the second class is located, the **township county** assessor shall make the real property lists and the plats described in sections 1 through 8 of this chapter.

(b) In a civil township that attains a population of thirty-five thousand (35,000) or more at a federal decennial census that takes effect after December 31, 2001, the county auditor shall make the real property lists and the plats described in sections 1 through 8 of this chapter unless the **township county** assessor determines to assume the duty from the county auditor.

(c) ~~With respect to townships in which the township assessor makes the real property lists and the plats described in sections 1 through 8 of this chapter, the county auditor shall, upon completing the tax duplicate, return the real property lists to the township assessor for the continuation of the lists by the assessor. If land located in one (1) of these townships is platted, the plat shall be presented to the township assessor instead of the county auditor, before it is recorded. The township assessor shall then enter the lots or parcels described in the plat on the tax lists in lieu of the land included in the plat.~~

SECTION 54. IC 6-1.1-5-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2009]: Sec. 10. If a **township county** assessor believes that it is necessary to obtain an accurate description of a specific lot or tract, ~~which is situated in the township he serves,~~ the assessor may demand in writing that the owner or occupant of the lot or tract deliver all the title papers in ~~his the owner's or occupant's~~ possession to the assessor for ~~his the assessor's~~ examination. If the person fails to deliver the title papers to the assessor at ~~his the assessor's~~ office within five (5) days after the demand is mailed, the assessor shall prepare the real property list according to the best information ~~he the assessor~~ can obtain. For that purpose, the assessor may examine, under oath, any person whom ~~he the assessor~~ believes has any knowledge relevant to the issue.

SECTION 55. IC 6-1.1-5-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2009]: Sec. 11. (a) In order to determine the quantity of land contained within a tract, an assessor shall follow the rules contained in this section.

(b) Except as provided in subsection (c), ~~of this section,~~ the assessor shall recognize the quantity of land stated in a deed or patent if the owner or person in whose name the property is listed holds the land by



virtue of:

(1) a deed from another party or from this state; or

(2) a patent from the United States.

(c) If land described in subsection (b) ~~of this section~~ has been surveyed subsequent to the survey made by the United States and if the ~~township county~~ assessor is satisfied that the tract contains a different quantity of land than is stated in the patent or deed, the assessor shall recognize the quantity of land stated in the subsequent survey.

(d) Except as provided in ~~subsection (c), of this section;~~ **subsection (f), a township county** assessor shall demand in writing that the owner of a tract, or person in whose name the land is listed, have the tract surveyed and that ~~he the owner or person in whose name the land is listed~~ return a sworn certificate from the surveyor stating the quantity of land contained in the tract if:

(1) the land was within the French or Clark's grant; and

(2) the party holds the land under original entry or survey.

(e) If the party fails to return the certificate **under subsection (d)** within thirty (30) days after the demand is mailed the assessor shall have a surveyor survey the land. The expenses of a survey made under this subsection shall be paid for from the county treasury. However, the county auditor shall charge the survey expenses against the land, and the expenses shall be collected with the taxes payable in the succeeding year.

~~(c)~~ **(f)** A **township county** assessor shall not demand a survey of land described in subsection (d) ~~of this section~~ if:

(1) the owner or holder of the land has previously had it surveyed and presents to the assessor a survey certificate which states the quantity of land; or

(2) the assessor is satisfied from other competent evidence, given under oath or affirmation, that the quantity of land stated in the original survey is correct.

SECTION 56. IC 6-1.1-5-14, AS AMENDED BY P.L.88-2005, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2009]: Sec. 14. ~~Not later than May 15, each assessing official shall prepare and deliver to the county assessor a detailed list of the real property listed for taxation in the township. On or before July 1 of each year, each county assessor shall, under oath, prepare and deliver to the county auditor a detailed list of the real property listed for taxation in the county. In a county with an elected township assessor in every township the township assessor shall prepare the real property list. The assessing officials and the county assessor shall prepare the list in the form prescribed by the department of local government~~



1 finance. The township assessor shall ensure that the county assessor
 2 has full access to the assessment records maintained by the township
 3 assessor.

4 SECTION 57. IC 6-1.1-5-15, AS AMENDED BY P.L.228-2005,
 5 SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 6 JANUARY 1, 2009]: Sec. 15. (a) Except as provided in subsection (b),
 7 before an owner of real property demolishes, structurally modifies, or
 8 improves it at a cost of more than five hundred dollars (\$500) for
 9 materials or labor, or both, the owner or the owner's agent shall file
 10 with the area plan commission or the county assessor in the county
 11 where the property is located an assessment registration notice on a
 12 form prescribed by the department of local government finance.

13 (b) If the owner of the real property, or the person performing the
 14 work for the owner, is required to obtain a permit from an agency or
 15 official of the state or a political subdivision for the demolition,
 16 structural modification, or improvement, the owner or the person
 17 performing the work for the owner is not required to file an assessment
 18 registration notice.

19 (c) Each state or local government official or agency shall, before
 20 the tenth day of each month, deliver a copy of each permit described in
 21 subsection (b) to the assessor of the county in which the real property
 22 to be improved is situated. Each area plan commission shall, before the
 23 tenth day of each month, deliver a copy of each assessment registration
 24 notice described in subsection (a) to the assessor of the county where
 25 the property is located.

26 ~~(d) Before the last day of each month, the county assessor shall~~
 27 ~~distribute a copy of each assessment registration notice filed under~~
 28 ~~subsection (a) or permit received under subsection (b) to the assessor~~
 29 ~~of the township in which the real property to be demolished, modified,~~
 30 ~~or improved is situated.~~

31 ~~(e)~~ (d) A fee of five dollars (\$5) shall be charged by the area plan
 32 commission or the county assessor for the filing of the assessment
 33 registration notice. All fees collected under this subsection shall be
 34 deposited in the county property reassessment fund.

35 ~~(f)~~ (e) A township or county assessor shall immediately notify the
 36 county treasurer if the assessor discovers property that has been
 37 improved or structurally modified at a cost of more than five hundred
 38 dollars (\$500) and the owner of the property has failed to obtain the
 39 required building permit or to file an assessment registration notice.

40 ~~(g)~~ (f) Any person who fails to:

- 41 (1) file the registration notice required by subsection (a); or
- 42 (2) obtain a building permit described in subsection (b);



1 before demolishing, structurally modifying, or improving real property
 2 is subject to a civil penalty of one hundred dollars (\$100). The county
 3 treasurer shall include the penalty on the person's property tax
 4 statement and collect it in the same manner as delinquent personal
 5 property taxes under IC 6-1.1-23. However, if a person files a late
 6 registration notice, the person shall pay the fee, if any, and the penalty
 7 to the area plan commission or the county assessor at the time the
 8 person files the late registration notice.

9 SECTION 58. IC 6-1.1-5.5-3, AS AMENDED BY P.L.219-2007,
 10 SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 11 JANUARY 1, 2009]: Sec. 3. (a) For purposes of this section, "party"
 12 includes:

13 (1) a seller of property that is exempt under the seller's ownership;
 14 or

15 (2) a purchaser of property that is exempt under the purchaser's
 16 ownership;

17 from property taxes under IC 6-1.1-10.

18 (b) Before filing a conveyance document with the county auditor
 19 under IC 6-1.1-5-4, all the parties to the conveyance must do the
 20 following:

21 (1) Complete and sign a sales disclosure form as prescribed by the
 22 department of local government finance under section 5 of this
 23 chapter. All the parties may sign one (1) form, or if all the parties
 24 do not agree on the information to be included on the completed
 25 form, each party may sign and file a separate form.

26 (2) Before filing a sales disclosure form with the county auditor,
 27 submit the sales disclosure form to the county assessor. The
 28 county assessor must review the accuracy and completeness of
 29 each sales disclosure form submitted immediately upon receipt of
 30 the form and, if the form is accurate and complete, stamp the form
 31 as eligible for filing with the county auditor and return the form
 32 to the appropriate party for filing with the county auditor. If
 33 multiple forms are filed in a short period, the county assessor
 34 shall process the forms as quickly as possible. For purposes of this
 35 subdivision, a sales disclosure form is considered to be accurate
 36 and complete if:

37 (A) the county assessor does not have substantial evidence
 38 when the form is reviewed under this subdivision that
 39 information in the form is inaccurate; and

40 (B) the form:

41 (i) substantially conforms to the sales disclosure form
 42 prescribed by the department of local government finance



under section 5 of this chapter; and

(ii) is submitted to the county assessor in a format usable to the county assessor.

(3) File the sales disclosure form with the county auditor.

(c) ~~Except as provided in subsection (d),~~ The auditor shall forward each sales disclosure form to the county assessor. The county assessor shall retain the forms for five (5) years. The county assessor shall forward the sales disclosure form data to the department of local government finance and the legislative services agency in an electronic format specified jointly by the department of local government finance and the legislative services agency. ~~The county assessor shall forward a copy of the sales disclosure forms to the township assessors in the county.~~ The forms may be used by the county assessing officials, the department of local government finance, and the legislative services agency for the purposes established in IC 6-1.1-4-13.6, sales ratio studies, equalization, adoption of rules under IC 6-1.1-31-3 and IC 6-1.1-31-6, and any other authorized purpose.

~~(d) In a county containing a consolidated city, the auditor shall forward the sales disclosure form to the appropriate township assessor. The township assessor shall forward the sales disclosure form to the department of local government finance and the legislative services agency in an electronic format specified jointly by the department of local government finance and the legislative services agency. The forms may be used by the county assessing officials, the department of local government finance, and the legislative services agency for the purposes established in IC 6-1.1-4-13.6, sales ratio studies, equalization, adoption of rules under IC 6-1.1-31-3 and IC 6-1.1-31-6, and any other authorized purpose.~~

~~(e)~~ (d) If a sales disclosure form includes the telephone number or Social Security number of a party, the telephone number or Social Security number is confidential.

~~(f)~~ (e) County assessing officials and other local officials may not establish procedures or requirements concerning sales disclosure forms that substantially differ from the procedures and requirements of this chapter.

SECTION 59. IC 6-1.1-5.5-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2009]: Sec. 12. (a) A party to a conveyance who:

(1) is required to file a sales disclosure form under this chapter; and

(2) fails to file a sales disclosure form at the time and in the manner required by this chapter;



1 is subject to a penalty in the amount determined under subsection (b).

2 (b) The amount of the penalty under subsection (a) is the greater of:

3 (1) one hundred dollars (\$100); or

4 (2) twenty-five thousandths percent (0.025%) of the sale price of
5 the real property transferred under the conveyance document.

6 (c) ~~The township assessor in a county containing a consolidated city,~~
7 ~~or the county assessor in any other county,~~ shall:

8 (1) determine the penalty imposed under this section;

9 (2) assess the penalty to the party to a conveyance; and

10 (3) notify the party to the conveyance that the penalty is payable
11 not later than thirty (30) days after notice of the assessment.

12 (d) The county auditor shall:

13 (1) collect the penalty imposed under this section;

14 (2) deposit penalty collections as required under section 4 of this
15 chapter; and

16 (3) notify the county prosecuting attorney of delinquent payments.

17 (e) The county prosecuting attorney shall initiate an action to
18 recover a delinquent penalty under this section. In a successful action
19 against a person for a delinquent penalty, the court shall award the
20 county prosecuting attorney reasonable attorney's fees.

21 SECTION 60. IC 6-1.1-7-3 IS AMENDED TO READ AS
22 FOLLOWS [EFFECTIVE JANUARY 1, 2009]: Sec. 3. A person who
23 permits a mobile home to be placed on any land which ~~he~~ **the person**
24 owns, possesses, or controls shall report that fact to the **county** assessor
25 ~~of the township in which the land is located~~; within ten (10) days after
26 the mobile home is placed on the land. The ten (10) day period
27 commences the day after the day that the mobile home is placed upon
28 the land.

29 SECTION 61. IC 6-1.1-7-5 IS AMENDED TO READ AS
30 FOLLOWS [EFFECTIVE JANUARY 1, 2009]: Sec. 5. A mobile home
31 which is subject to taxation under this chapter shall be assessed by the
32 **county** assessor of the ~~township~~ **county** within which the place of
33 assessment is located. ~~Each township~~ **The county** assessor ~~of a county~~
34 shall certify the assessments of mobile homes to the county auditor in
35 the same manner provided for the certification of personal property
36 assessments. The ~~township~~ **county** assessor shall make this
37 certification on the forms prescribed by the department of local
38 government finance.

39 SECTION 62. IC 6-1.1-8-23 IS AMENDED TO READ AS
40 FOLLOWS [EFFECTIVE JANUARY 1, 2009]: Sec. 23. Each year a
41 public utility company shall file a statement with the ~~assessor of each~~
42 ~~township and~~ county assessor of each county in which the company's



property is located. The company shall file the statement on the form prescribed by the department of local government finance. The statement shall contain a description of the company's tangible personal property located in ~~the~~ **each township in the county.**

SECTION 63. IC 6-1.1-8-24, AS AMENDED BY P.L.88-2005, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2009]: Sec. 24. ~~(a)~~ Each year ~~a township~~ **the county** assessor shall:

(1) assess the fixed property ~~which that~~ as of the assessment date of that year is:

~~(1)~~ (A) owned or used by a public utility company; and

~~(2)~~ (B) located in ~~the each township in the township assessor serves:~~ **county; and**

~~(b)~~ The ~~township~~ assessor shall determine the assessed value of fixed property. The ~~township~~ assessor shall certify the assessed values to the county assessor on or before April 1 of the year of assessment. However, in a county with an elected township assessor in every township the township assessor shall certify the list to the department of local government finance. The county assessor shall review the assessed values and shall

(2) certify the assessed values to the department of local government finance on or before April 10 of ~~the that~~ year. of assessment.

SECTION 64. IC 6-1.1-8-33 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2009]: Sec. 33. A public utility company may appeal a ~~township~~ **county** assessor's assessment of fixed property in the same manner that it may appeal a ~~township~~ **county** assessor's assessment of tangible property under ~~IC 1971,~~ **IC 6-1.1-15.**

SECTION 65. IC 6-1.1-8-39 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2009]: Sec. 39. The annual assessments of a public utility company's property are presumed to include all the company's property which is subject to taxation under this chapter. However, this presumption does not preclude the subsequent assessment of a specific item of tangible property which is clearly shown to have been omitted from the assessments for that year. The appropriate ~~township~~ **county** assessor shall make assessments of omitted fixed property. The department of local government finance shall make assessments of omitted distributable property. However, the department of local government finance may not assess omitted distributable property after the expiration of ten (10) years from the last day of the year in which the assessment should have been made.



1 SECTION 66. IC 6-1.1-8.5-7 IS AMENDED TO READ AS
 2 FOLLOWS [EFFECTIVE JANUARY 1, 2009]: Sec. 7. (a) The
 3 ~~township county~~ assessor of each township in a qualifying county shall
 4 notify the department of local government finance of a newly
 5 constructed industrial facility that is located in the ~~township served by~~
 6 ~~the township assessor.~~ **county.**

7 (b) Each building commissioner in a qualifying county shall notify
 8 the department of local government finance of a newly constructed
 9 industrial facility that is located in the jurisdiction served by the
 10 building commissioner.

11 (c) The department of local government finance shall schedule an
 12 assessment under this chapter of a newly constructed industrial facility
 13 within six (6) months after receiving notice of the construction from the
 14 ~~appropriate township county assessor or building commissioner.~~ **under**
 15 **this section.**

16 SECTION 67. IC 6-1.1-9-1, AS AMENDED BY P.L.219-2007,
 17 SECTION 23, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 18 JANUARY 1, 2009]: Sec. 1. If a ~~township assessor,~~ county assessor or
 19 county property tax assessment board of appeals believes that any
 20 taxable tangible property has been omitted from or undervalued on the
 21 assessment rolls or the tax duplicate for any year or years, the official
 22 or board shall give written notice under IC 6-1.1-3-20 or IC 6-1.1-4-22
 23 of the assessment or increase in assessment. The notice shall contain
 24 a general description of the property and a statement describing the
 25 taxpayer's right to a review with the county property tax assessment
 26 board of appeals under IC 6-1.1-15-1.

27 SECTION 68. IC 6-1.1-9-6 IS AMENDED TO READ AS
 28 FOLLOWS [EFFECTIVE JANUARY 1, 2009]: Sec. 6. ~~The county~~
 29 ~~assessor shall obtain from the county auditor or the township assessors~~
 30 ~~all returns for tangible property made by the township assessors of the~~
 31 ~~county and all assessment lists, schedules, statements, maps, and other~~
 32 ~~books and papers filed with the county auditor by the township~~
 33 ~~assessors.~~ For purposes of discovering undervalued or omitted
 34 property, the county assessor shall carefully examine the county tax
 35 duplicates and all other pertinent records and papers of the county
 36 auditor, treasurer, recorder, clerk, sheriff, and surveyor. The county
 37 assessor shall, in the manner prescribed in this article, assess all
 38 omitted or undervalued tangible property which is subject to
 39 assessment.

40 SECTION 69. IC 6-1.1-10-10 IS AMENDED TO READ AS
 41 FOLLOWS [EFFECTIVE JANUARY 1, 2009]: Sec. 10. (a) The owner
 42 of an industrial waste control facility who wishes to obtain the



1 exemption provided in section 9 of this chapter shall file an exemption
 2 claim with the **county** assessor ~~of the township in which the property~~
 3 ~~is located~~ when ~~he the owner~~ files ~~his the owner's~~ annual personal
 4 property return. The claim shall describe and state the assessed value
 5 of the property for which an exemption is claimed.

6 (b) The owner shall, by registered or certified mail, forward a copy
 7 of the exemption claim to the department of environmental
 8 management. The department shall acknowledge its receipt of the
 9 claim.

10 (c) The department of environmental management may investigate
 11 any claim. The department may also determine if the property for
 12 which the exemption is claimed is being utilized as an industrial waste
 13 control facility. Within one hundred twenty (120) days after a claim is
 14 mailed to the department, the department may certify its written
 15 determination to the ~~township~~ **county** assessor with whom the claim
 16 was filed.

17 (d) The determination of the department remains in effect:

18 (1) as long as the owner owns the property and uses the property
 19 as an industrial waste control facility; or

20 (2) for five (5) years;

21 whichever is less. In addition, during the five (5) years after the
 22 department's determination the owner of the property must notify the
 23 ~~township~~ **county** assessor and the department in writing if any of the
 24 property on which the department's determination was based is
 25 disposed of or removed from service as an industrial waste control
 26 facility.

27 (e) The department may revoke a determination if the department
 28 finds that the property is not predominantly used as an industrial waste
 29 control facility.

30 (f) The ~~township~~ **county** assessor, in accord with the determination
 31 of the department, shall allow or deny in whole or in part each
 32 exemption claim. However, if the owner provides the assessor with
 33 proof that a copy of the claim has been mailed to the department, and
 34 if the department has not certified a determination to the assessor
 35 within one hundred twenty (120) days after the claim has been mailed
 36 to the department, the assessor shall allow the total exemption claimed
 37 by the owner.

38 (g) The assessor shall reduce the assessed value of the owner's
 39 personal property for the year for which an exemption is claimed by the
 40 amount of exemption allowed.

41 SECTION 70. IC 6-1.1-10-13 IS AMENDED TO READ AS
 42 FOLLOWS [EFFECTIVE JANUARY 1, 2009]: Sec. 13. (a) The owner



of personal property which is part of a stationary or unlicensed mobile air pollution control system who wishes to obtain the exemption provided in section 12 of this chapter shall claim the exemption on ~~his~~ **the owner's** annual personal property return. ~~which he files with the assessor of the township in which the property is located.~~ On the return, the owner shall describe and state the assessed value of the property for which the exemption is claimed.

(b) The ~~township county~~ assessor shall:

(1) review the exemption claim; and ~~he shall~~

(2) allow or deny it in whole or in part.

In making ~~his~~ **the** decision, the ~~township county~~ assessor shall consider the requirements stated in section 12 of this chapter.

(c) The ~~township county~~ assessor shall reduce the assessed value of the owner's personal property for the year for which the exemption is claimed by the amount of exemption allowed.

SECTION 71. IC 6-1.1-10-14 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2009]: Sec. 14. The action taken by a ~~township county~~ assessor on an exemption claim filed under section 10 or ~~section~~ 13 of this chapter shall be treated as an assessment of personal property. Thus, the assessor's action is subject to all the provisions of this article pertaining to notice, review, or appeal of personal property assessments.

SECTION 72. IC 6-1.1-10-31.7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2009]: Sec. 31.7. (a) Subject to subsection (c), in order to claim a property tax exemption under section 31.4, 31.5, or 31.6 of this chapter, the owner or possessor of:

(1) a truck chassis under section 31.4 of this chapter;

(2) a passenger motor vehicle under section 31.5 of this chapter;

or

(3) a school bus body or chassis under section 31.6 of this chapter;

must file a claim for an exemption at the same time that the taxpayer is required to file a personal property tax return.

(b) A claim for exemption under this section must be filed on a form:

(1) prescribed by the department of local government finance; and

(2) containing the following information:

(A) A description of the property claimed to be exempt in sufficient detail to afford identification of the property.

(B) A statement indicating the ownership and the possession of the property.

(C) The grounds for claiming the exemption.



(D) The full name and address of the applicant.

(E) Any additional information that the department of local government finance may require that is:

(i) reasonably related to the exemption; and

(ii) necessary to determine the exemption.

(c) Notwithstanding subsection (b), an owner or a possessor may claim an exemption for a chassis or vehicle under this section without filing the form required under subsection (b) if:

(1) before March 1 the owner or possessor of the chassis or vehicle identifies the chassis or vehicle, by chassis or vehicle identification number, as a chassis or vehicle to be used to fulfill an order from an out-of-state dealer; and

(2) the owner or possessor of the chassis or vehicle submits with the owner's or possessor's personal property return a list that:

(A) gives the chassis or vehicle identification number of each chassis or vehicle claimed to be exempt under subdivision (1); and

(B) identifies the order from an out-of-state dealer that corresponds to each chassis or vehicle listed.

(d) If, upon the request of ~~the local~~ an assessing official ~~a county assessor, a member of the county property tax assessment board of appeals,~~ or the department of local government finance, the owner or possessor is unable to verify that the chassis or vehicle was used to fulfill the identified order, an exemption claimed under subsection (c) shall be denied.

SECTION 73. IC 6-1.1-10.1-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2009]: Sec. 11. (a) A high impact business that desires to obtain the property tax credit provided by section 10 of this chapter must file a certified credit application, on forms prescribed by the department of local government finance, with the auditor of the county in which the inventory is located. The credit application must be filed on or before May 15 each year. If the high impact business obtains a filing extension under IC 6-1.1-3-7(b) for any year, the application for the year must be filed by the extended due date for that year.

(b) The property tax credit application required by this section must contain the following information:

(1) The name of the high impact business owning the inventory.

(2) A description of the inventory for which a property tax credit is claimed in sufficient detail to afford identification.

(3) The assessed value of the inventory subject to the property tax credit.



(4) Any other information considered necessary by the department of local government finance.

(c) On verification of the correctness of a property tax credit application by the ~~assessors~~ **county assessor** of the ~~townships~~ **county** in which the inventory is located the county auditor shall grant the property tax credit.

(d) The property tax credit and the period of the credit provided for inventory under section 10 of this chapter are not affected by a change in the ownership of the high impact business if the new owner of the high impact business owning the inventory:

(1) continues the business operation of the high impact business within the commission's jurisdiction and maintains employment levels within the commission's jurisdiction consistent with the certification and pledge required under section 9(a) of this chapter; and

(2) files an application in the manner provided by subsections (a) and (b).

SECTION 74. IC 6-1.1-11-3, AS AMENDED BY P.L.219-2007, SECTION 24, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2009]: Sec. 3. (a) Subject to subsections (e), (f), and (g), an owner of tangible property who wishes to obtain an exemption from property taxation shall file a certified application in duplicate with the county assessor of the county in which the property that is the subject of the exemption is located. The application must be filed annually on or before May 15 on forms prescribed by the department of local government finance. Except as provided in sections 1, 3.5, and 4 of this chapter, the application applies only for the taxes imposed for the year for which the application is filed.

(b) The authority for signing an exemption application may not be delegated by the owner of the property to any other person except by an executed power of attorney.

(c) An exemption application which is required under this chapter shall contain the following information:

(1) A description of the property claimed to be exempt in sufficient detail to afford identification.

(2) A statement showing the ownership, possession, and use of the property.

(3) The grounds for claiming the exemption.

(4) The full name and address of the applicant.

(5) For the year that ends on the assessment date of the property, identification of:

(A) each part of the property used or occupied; and



(B) each part of the property not used or occupied;
for one (1) or more exempt purposes under IC 6-1.1-10 during the
time the property is used or occupied.

(6) Any additional information which the department of local
government finance may require.

(d) A person who signs an exemption application shall attest in
writing and under penalties of perjury that, to the best of the person's
knowledge and belief, a predominant part of the property claimed to be
exempt is not being used or occupied in connection with a trade or
business that is not substantially related to the exercise or performance
of the organization's exempt purpose.

(e) An owner must file with an application for exemption of real
property under subsection (a) or section 5 of this chapter a copy of the
~~township~~ **county** assessor's record kept under IC 6-1.1-4-25(a) that
shows the calculation of the assessed value of the real property for the
assessment date for which the exemption is claimed. ~~Upon receipt of
the exemption application, the county assessor shall examine that
record and determine if the real property for which the exemption is
claimed is properly assessed. If the county assessor determines that the
real property is not properly assessed, the county assessor shall direct
the township assessor of the township in which the real property is
located to:~~

~~(1) properly assess the real property; and~~

~~(2) notify the county assessor and county auditor of the proper
assessment.~~

(f) If the county assessor determines that the applicant has not filed
with an application for exemption a copy of the record referred to in
subsection (e), the county assessor shall notify the applicant in writing
of that requirement. The applicant then has thirty (30) days after the
date of the notice to comply with that requirement. The county property
tax assessment board of appeals shall deny an application described in
this subsection if the applicant does not comply with that requirement
within the time permitted under this subsection.

(g) This subsection applies whenever a law requires an exemption
to be claimed on or in an application accompanying a personal property
tax return. The claim or application may be filed on or with a personal
property tax return not more than thirty (30) days after the filing date
for the personal property tax return, regardless of whether an extension
of the filing date has been granted under IC 6-1.1-3-7.

SECTION 75. IC 6-1.1-12-20, AS AMENDED BY P.L.154-2006,
SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
JANUARY 1, 2009]: Sec. 20. (a) A property owner who desires to



1 obtain the deduction provided by section 18 of this chapter must file a
 2 certified deduction application, on forms prescribed by the department
 3 of local government finance, with the auditor of the county in which the
 4 rehabilitated property is located. The application may be filed in person
 5 or by mail. If mailed, the mailing must be postmarked on or before the
 6 last day for filing. Except as provided in subsection (b), the application
 7 must be filed before June 11 of the year in which the addition to
 8 assessed value is made.

9 (b) If notice of the addition to assessed value for any year is not
 10 given to the property owner before May 11 of that year, the application
 11 required by this section may be filed not later than thirty (30) days after
 12 the date such a notice is mailed to the property owner at the address
 13 shown on the records of the **township county** assessor.

14 (c) The application required by this section shall contain the
 15 following information:

- 16 (1) a description of the property for which a deduction is claimed
- 17 in sufficient detail to afford identification;
- 18 (2) statements of the ownership of the property;
- 19 (3) the assessed value of the improvements on the property before
- 20 rehabilitation;
- 21 (4) the number of dwelling units on the property;
- 22 (5) the number of dwelling units rehabilitated;
- 23 (6) the increase in assessed value resulting from the
- 24 rehabilitation; and
- 25 (7) the amount of deduction claimed.

26 (d) A deduction application filed under this section is applicable for
 27 the year in which the increase in assessed value occurs and for the
 28 immediately following four (4) years without any additional application
 29 being filed.

30 (e) On verification of an application by the **county** assessor, ~~of the~~
 31 ~~township in which the property is located~~, the county auditor shall
 32 make the deduction.

33 SECTION 76. IC 6-1.1-12-24, AS AMENDED BY P.L.154-2006,
 34 SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 35 JANUARY 1, 2009]: Sec. 24. (a) A property owner who desires to
 36 obtain the deduction provided by section 22 of this chapter must file a
 37 certified deduction application, on forms prescribed by the department
 38 of local government finance, with the auditor of the county in which the
 39 property is located. The application may be filed in person or by mail.
 40 If mailed, the mailing must be postmarked on or before the last day for
 41 filing. Except as provided in subsection (b), the application must be
 42 filed before June 11 of the year in which the addition to assessed



1 valuation is made.

2 (b) If notice of the addition to assessed valuation for any year is not
3 given to the property owner before May 11 of that year, the application
4 required by this section may be filed not later than thirty (30) days after
5 the date such a notice is mailed to the property owner at the address
6 shown on the records of the ~~township~~ **county** assessor.

7 (c) The application required by this section shall contain the
8 following information:

- 9 (1) the name of the property owner;
- 10 (2) a description of the property for which a deduction is claimed
11 in sufficient detail to afford identification;
- 12 (3) the assessed value of the improvements on the property before
13 rehabilitation;
- 14 (4) the increase in the assessed value of improvements resulting
15 from the rehabilitation; and
- 16 (5) the amount of deduction claimed.

17 (d) A deduction application filed under this section is applicable for
18 the year in which the addition to assessed value is made and in the
19 immediate following four (4) years without any additional application
20 being filed.

21 (e) On verification of the correctness of an application by the
22 **county** assessor, ~~of the township in which the property is located;~~ the
23 county auditor shall make the deduction.

24 SECTION 77. IC 6-1.1-12-27.1, AS AMENDED BY P.L.183-2007,
25 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
26 JANUARY 1, 2009]: Sec. 27.1. Except as provided in section 36 of this
27 chapter, a person who desires to claim the deduction provided by
28 section 26 of this chapter must file a certified statement in duplicate,
29 on forms prescribed by the department of local government finance,
30 with the auditor of the county in which the real property or mobile
31 home is subject to assessment. With respect to real property, the person
32 must file the statement during the twelve (12) months before June 11
33 of each year for which the person desires to obtain the deduction. With
34 respect to a mobile home which is not assessed as real property, the
35 person must file the statement during the twelve (12) months before
36 March 31 of each year for which the person desires to obtain the
37 deduction. The statement may be filed in person or by mail. If mailed,
38 the mailing must be postmarked on or before the last day for filing. On
39 verification of the statement by the **county** assessor, ~~of the township in~~
40 ~~which the real property or mobile home is subject to assessment~~ the
41 county auditor shall allow the deduction.

42 SECTION 78. IC 6-1.1-12-28.5, AS AMENDED BY P.L.137-2007,



SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
JANUARY 1, 2009]: Sec. 28.5. (a) For purposes of this section:

(1) "Hazardous waste" has the meaning set forth in
IC 13-11-2-99(a) and includes a waste determined to be a
hazardous waste under IC 13-22-2-3(b).

(2) "Resource recovery system" means tangible property directly
used to dispose of solid waste or hazardous waste by converting
it into energy or other useful products.

(3) "Solid waste" has the meaning set forth in IC 13-11-2-205(a)
but does not include dead animals or any animal solid or
semisolid wastes.

(b) Except as provided in this section, the owner of a resource
recovery system is entitled to an annual deduction in an amount equal
to ninety-five percent (95%) of the assessed value of the system if:

(1) the system was certified by the department of environmental
management for the 1993 assessment year or a prior assessment
year; and

(2) the owner filed a timely application for the deduction for the
1993 assessment year.

For purposes of this section, a system includes tangible property that
replaced tangible property in the system after the certification by the
department of environmental management.

(c) The owner of a resource recovery system that is directly used to
dispose of hazardous waste is not entitled to the deduction provided by
this section for a particular assessment year if during that assessment
year the owner:

(1) is convicted of any violation under IC 13-7-13-3 (repealed),
IC 13-7-13-4 (repealed), or a criminal statute under IC 13; or

(2) is subject to an order or a consent decree with respect to
property located in Indiana based upon a violation of a federal or
state rule, regulation, or statute governing the treatment, storage,
or disposal of hazardous wastes that had a major or moderate
potential for harm.

(d) The certification of a resource recovery system by the
department of environmental management for the 1993 assessment
year or a prior assessment year is valid through the 1997 assessment
year so long as the property is used as a resource recovery system. If
the property is no longer used for the purpose for which the property
was used when the property was certified, the owner of the property
shall notify the county auditor. However, the deduction from the
assessed value of the system is:

(1) ninety-five percent (95%) for the 1994 assessment year;



- (2) ninety percent (90%) for the 1995 assessment year;
- (3) seventy-five percent (75%) for the 1996 assessment year; and
- (4) sixty percent (60%) for the 1997 assessment year.

Notwithstanding this section as it existed before 1995, for the 1994 assessment year, the portion of any tangible property comprising a resource recovery system that was assessed and first deducted for the 1994 assessment year may not be deducted for property taxes first due and payable in 1995 or later.

(e) In order to qualify for a deduction under this section, the person who desires to claim the deduction must file an application with the county auditor after February 28 and before May 16 of the current assessment year. An application must be filed in each year for which the person desires to obtain the deduction. The application may be filed in person or by mail. If mailed, the mailing must be postmarked on or before the last day for filing. If the application is not filed before the applicable deadline under this subsection, the deduction is waived. The application must be filed on a form prescribed by the department of local government finance. The application for a resource recovery system deduction must include:

- (1) a certification by the department of environmental management for the 1993 assessment year or a prior assessment year as described in subsection (d); or
- (2) the certification by the department of environmental management for the 1993 assessment year as described in subsection (g).

Beginning with the 1995 assessment year a person must also file an itemized list of all property on which a deduction is claimed. The list must include the date of purchase of the property and the cost to acquire the property.

(f) Before July 1, 1995, the department of environmental management shall transfer all the applications, records, or other material the department has with respect to resource recovery system deductions under this section for the 1993 and 1994 assessment years. The ~~township~~ **county** assessor shall verify each deduction application filed under this section and the county auditor shall determine the deduction. The county auditor shall send to the department of local government finance a copy of each deduction application. The county auditor shall notify the county property tax assessment board of appeals of all deductions allowed under this section. A denial of a deduction claimed under this subsection may be appealed as provided in IC 6-1.1-15. The appeal is limited to a review of a determination made by the ~~township~~ **county** assessor or the county auditor.



(g) Notwithstanding subsection (d), the certification for the 1993 assessment year of a resource recovery system in regard to which a political subdivision is liable for the payment of the property taxes remains valid at the ninety-five percent (95%) deduction level allowed before 1994 as long as the political subdivision remains liable for the payment of the property taxes on the system.

SECTION 79. IC 6-1.1-12-30, AS AMENDED BY P.L.183-2007, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2009]: Sec. 30. Except as provided in section 36 of this chapter, a person who desires to claim the deduction provided by section 29 of this chapter must file a certified statement in duplicate, on forms prescribed by the department of local government finance, with the auditor of the county in which the real property or mobile home is subject to assessment. With respect to real property, the person must file the statement during the twelve (12) months before June 11 of each year for which the person desires to obtain the deduction. With respect to a mobile home which is not assessed as real property, the person must file the statement during the twelve (12) months before March 31 of each year for which the person desires to obtain the deduction. On verification of the statement by the **county** assessor, ~~of the township in which the real property or mobile home is subject to assessment~~ the county auditor shall allow the deduction.

SECTION 80. IC 6-1.1-12-35.5, AS AMENDED BY P.L.183-2007, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2009]: Sec. 35.5. (a) Except as provided in section 36 of this chapter, a person who desires to claim the deduction provided by section 31, 33, 34, or 34.5 of this chapter must file a certified statement in duplicate, on forms prescribed by the department of local government finance, and proof of certification under subsection (b) or (f) with the auditor of the county in which the property for which the deduction is claimed is subject to assessment. Except as provided in subsection (e), with respect to property that is not assessed under IC 6-1.1-7, the person must file the statement during the twelve (12) months before June 11 of the assessment year. The person must file the statement in each year for which the person desires to obtain the deduction. With respect to a property which is assessed under IC 6-1.1-7, the person must file the statement during the twelve (12) months before March 31 of each year for which the person desires to obtain the deduction. The statement may be filed in person or by mail. If mailed, the mailing must be postmarked on or before the last day for filing. On verification of the statement by the **county** assessor, ~~of the township in which the property for which the deduction is claimed is~~



1 ~~subject to assessment~~ the county auditor shall allow the deduction.

2 (b) This subsection does not apply to an application for a deduction
3 under section 34.5 of this chapter. The department of environmental
4 management, upon application by a property owner, shall determine
5 whether a system or device qualifies for a deduction provided by
6 section 31, 33, or 34 of this chapter. If the department determines that
7 a system or device qualifies for a deduction, it shall certify the system
8 or device and provide proof of the certification to the property owner.
9 The department shall prescribe the form and manner of the certification
10 process required by this subsection.

11 (c) This subsection does not apply to an application for a deduction
12 under section 34.5 of this chapter. If the department of environmental
13 management receives an application for certification before May 11 of
14 the assessment year, the department shall determine whether the system
15 or device qualifies for a deduction before June 11 of the assessment
16 year. If the department fails to make a determination under this
17 subsection before June 11 of the assessment year, the system or device
18 is considered certified.

19 (d) A denial of a deduction claimed under section 31, 33, 34, or 34.5
20 of this chapter may be appealed as provided in IC 6-1.1-15. The appeal
21 is limited to a review of a determination made by the ~~township~~ **county**
22 assessor, county property tax assessment board of appeals, or
23 department of local government finance.

24 (e) A person who timely files a personal property return under
25 IC 6-1.1-3-7(a) for an assessment year and who desires to claim the
26 deduction provided in section 31 of this chapter for property that is not
27 assessed under IC 6-1.1-7 must file the statement described in
28 subsection (a) during the twelve (12) months before June 11 of that
29 year. A person who obtains a filing extension under IC 6-1.1-3-7(b) for
30 an assessment year must file the application between March 1 and the
31 extended due date for that year.

32 (f) This subsection applies only to an application for a deduction
33 under section 34.5 of this chapter. The center for coal technology
34 research established by IC 21-47-4-1, upon receiving an application
35 from the owner of a building, shall determine whether the building
36 qualifies for a deduction under section 34.5 of this chapter. If the center
37 determines that a building qualifies for a deduction, the center shall
38 certify the building and provide proof of the certification to the owner
39 of the building. The center shall prescribe the form and procedure for
40 certification of buildings under this subsection. If the center receives
41 an application for certification of a building under section 34.5 of this
42 chapter before May 11 of an assessment year:



(1) the center shall determine whether the building qualifies for a deduction before June 11 of the assessment year; and

(2) if the center fails to make a determination before June 11 of the assessment year, the building is considered certified.

SECTION 81. IC 6-1.1-12-37, AS AMENDED BY P.L.224-2007, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2009]: Sec. 37. (a) **The following definitions apply throughout this section:**

(1) **"Dwelling" means any of the following:**

(A) **Residential real property improvements that an individual uses as the individual's residence, including a house or garage.**

(B) **A mobile home that is not assessed as real property that an individual uses as the individual's residence.**

(C) **A manufactured home that is not assessed as real property that an individual uses as the individual's residence.**

(2) **"Homestead" means an individual's principal place of residence that:**

(A) **is located in Indiana;**

(B) **the individual either owns or is buying under a contract, recorded in the county recorder's office, that provides that the individual is to pay the property taxes on the residence; and**

(C) **consists of a dwelling and the real estate, not exceeding one (1) acre, that immediately surrounds that dwelling.**

(b) **Each year a person an individual who on March 1 of a particular year either owns or is buying a homestead under a contract, recorded in the county recorder's office, that provides the individual is to pay property taxes on the homestead is entitled to receive the homestead credit provided under IC 6-1.1-20.9 for property taxes payable in the following year is entitled to a standard deduction from the assessed value of the real property, mobile home not assessed as real property, or manufactured home not assessed as real property that qualifies for the homestead. credit:** The auditor of the county shall record and make the deduction for the person qualifying for the deduction.

~~(b)~~ (c) **Except as provided in section 40.5 of this chapter, the total amount of the deduction that a person may receive under this section for a particular year is the lesser of:**

(1) **one-half (1/2) of the assessed value of the real property, mobile home not assessed as real property, or manufactured home**



not assessed as real property; or

(2) for property taxes first due and payable:

~~(A)~~ before January 1, 2007, thirty-five thousand dollars (\$35,000);

~~(B)~~ after December 31, 2006, and before January 1, 2009, forty-five thousand dollars (\$45,000);

~~(C)~~ (A) after December 31, 2008, and before January 1, 2010, forty-four thousand dollars (\$44,000);

~~(D)~~ (B) after December 31, 2009, and before January 1, 2011, forty-three thousand dollars (\$43,000);

~~(E)~~ (C) after December 31, 2010, and before January 1, 2012, forty-two thousand dollars (\$42,000);

~~(F)~~ (D) after December 31, 2011, and before January 1, 2013, forty-one thousand dollars (\$41,000); and

~~(G)~~ (E) after December 31, 2012, forty thousand dollars (\$40,000).

~~(c)~~ (d) A person who has sold real property, a mobile home not assessed as real property, or a manufactured home not assessed as real property to another person under a contract that provides that the contract buyer is to pay the property taxes on the real property, mobile home, or manufactured home may not claim the deduction provided under this section with respect to that real property, mobile home, or manufactured home.

(e) Notwithstanding the provisions of this section, a taxpayer other than an individual is entitled to the deduction provided by this section if:

(1) an individual uses the residence as the individual's principal place of residence;

(2) the residence is located in Indiana;

(3) the individual has a beneficial interest in the taxpayer;

(4) the taxpayer either owns the residence or is buying it under a contract, recorded in the county recorder's office, that provides that the individual is to pay the property taxes on the residence; and

(5) the residence consists of a single-family dwelling and the real estate, not exceeding one (1) acre, that immediately surrounds that dwelling.

(f) An individual who desires to claim the deduction provided by this section must file a certified statement in duplicate, on forms prescribed by the department of local government finance, with the auditor of the county in which the homestead is located. The statement must include the parcel number or key number of the



1 real estate and the name of the city, town, or township in which the
 2 real estate is located. With respect to real property, the statement
 3 must be filed during the twelve (12) months before June 11 of the
 4 year before the first year for which the individual wishes to obtain
 5 the deduction provided by this section. With respect to a mobile
 6 home that is not assessed as real property or a manufactured home
 7 that is not assessed as real property, the statement must be filed
 8 during the twelve (12) months before March 31 of the first year for
 9 which the individual wishes to obtain the deduction. The statement
 10 may be filed in person or by mail. If mailed, the mailing must be
 11 postmarked on or before the last day for filing. The statement
 12 applies for that first year and any succeeding year for which the
 13 deduction is allowed.

14 (g) The certified statement referred to in subsection (f) must
 15 contain the name of any other county and township in which the
 16 individual owns or is buying real property.

17 (h) An individual who fails to file a certified statement within
 18 the time prescribed by subsection (f) will be treated as having filed
 19 the statement within that time if the person files a certified
 20 statement otherwise meeting the requirements of this section by the
 21 later of:

22 (1) September 10 of the year before the first year for which
 23 the person wishes to obtain the deduction provided by this
 24 section; or

25 (2) thirty (30) days after the date of the statement mailed by
 26 the county auditor to the person under IC 6-1.1-17-3(b).

27 (i) A county auditor shall, in a particular year, apply a
 28 deduction provided under this section for each individual who
 29 received the deduction in the preceding year unless the auditor
 30 determines that the individual is no longer eligible for the
 31 deduction. The individual qualifies for the deduction without filing
 32 another certified statement under subsection (f). If an individual
 33 who is receiving the deduction provided by this section changes the
 34 use of the individual's property, so that part or all of the property
 35 no longer qualifies for the standard deduction provided by this
 36 section, the individual must file a certified statement with the
 37 auditor of the county, notifying the auditor of the change of use
 38 within sixty (60) days after the date of that change. An individual
 39 who changes the use of the individual's property and fails to file the
 40 statement required by this subsection is liable for the amount of the
 41 property taxes that would otherwise have been imposed on that
 42 property.



(j) An individual who receives the deduction provided by this section for property that is jointly held with another owner in a particular year and remains eligible for the deduction in the following year is not required to file a statement to reapply for the deduction following the removal of the joint owner if:

(1) the individual is the sole owner of the property following the death of the individual's spouse;

(2) the individual is the sole owner of the property following the death of a joint owner who was not the individual's spouse; or

(3) the individual is awarded sole ownership of the property in a divorce decree.

(k) A certified statement filed under IC 6-1.1-20.9-3 for a homestead credit shall be treated as an application filed under this section. Subject to subsections (i) and (j), approval under IC 6-1.1-20.9 of an applicant for a homestead credit shall be treated as approval of the applicant for a standard deduction under this section.

SECTION 82. IC 6-1.1-12-37.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2009]: **Sec. 37.1. (a)** The auditor of a county (referred to in this section as the "first county") with whom a deduction statement is filed under section 37 of this chapter shall immediately prepare and transmit a copy of the statement to the auditor of any other county (referred to in this section as the "second county") if the individual who claims the deduction owns or is buying real property located in the second county.

(b) The county auditor of the second county shall note on the copy of the statement whether or not the individual has claimed a deduction for the current year under section 37 of this chapter for a homestead located in the second county. The auditor shall then return the copy to the auditor of the first county.

SECTION 83. IC 6-1.1-12-37.2 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2009]: **Sec. 37.2. (a)** Each year, the county auditor shall place the original copies of all deduction statements filed under section 37 of this chapter in alphabetical order by townships. The auditor shall, without regard to townships, place the duplicate copies for the entire county in alphabetical order.

(b) The auditor shall ascertain from the alphabetical files whether or not more than one (1) statement has been filed by the



1 same individual.

2 (c) The county auditor may not grant an individual a credit
3 under section 37 of this chapter if:

4 (1) the individual, for the same year, claims the deduction on
5 two (2) or more different statements; and

6 (2) the statements claim the deduction for different property.

7 SECTION 84. IC 6-1.1-12-37.5 IS ADDED TO THE INDIANA
8 CODE AS A NEW SECTION TO READ AS FOLLOWS
9 [EFFECTIVE JANUARY 1, 2009]: Sec. 37.5. (a) A person who is
10 entitled to a standard deduction from the assessed value of
11 property under section 37 of this chapter is also entitled to receive
12 a deduction in an amount equal to thirty-five percent (35%) of the
13 assessed value of the homestead to which the standard deduction
14 applies after the application of the standard deduction but before
15 the application of any other deduction, exemption, or credit for
16 which the person is eligible. The auditor of the county shall record
17 and make the deduction for the person qualifying for the
18 deduction.

19 (b) The deduction granted under this section shall not be
20 considered in applying section 40.5 of this chapter to the
21 deductions applicable to property. Section 40.5 of this chapter does
22 not apply to the deduction granted under this section.

23 SECTION 85. IC 6-1.1-12-38, AS AMENDED BY P.L.154-2006,
24 SECTION 23, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
25 JANUARY 1, 2009]: Sec. 38. (a) A person is entitled to a deduction
26 from the assessed value of the person's property in an amount equal to
27 the difference between:

28 (1) the assessed value of the person's property, including the
29 assessed value of the improvements made to comply with the
30 fertilizer storage rules adopted by the state chemist under
31 IC 15-3-3-12 and the pesticide storage rules adopted by the state
32 chemist under IC 15-3-3.5-11; minus

33 (2) the assessed value of the person's property, excluding the
34 assessed value of the improvements made to comply with the
35 fertilizer storage rules adopted by the state chemist under
36 IC 15-3-3-12 and the pesticide storage rules adopted by the state
37 chemist under IC 15-3-3.5-11.

38 (b) To obtain the deduction under this section, a person must file a
39 certified statement in duplicate, on forms prescribed by the department
40 of local government finance, with the auditor of the county in which the
41 property is subject to assessment. In addition to the certified statement,
42 the person must file a certification by the state chemist listing the



1 improvements that were made to comply with the fertilizer storage
 2 rules adopted under IC 15-3-3-12 and the pesticide storage rules
 3 adopted by the state chemist under IC 15-3-3.5-11. The statement and
 4 certification must be filed before June 11 of the year preceding the year
 5 the deduction will first be applied. Upon the verification of the
 6 statement and certification by the **county** assessor, ~~of the township in~~
 7 ~~which the property is subject to assessment~~ the county auditor shall
 8 allow the deduction.

9 SECTION 86. IC 6-1.1-12-42 IS AMENDED TO READ AS
 10 FOLLOWS [EFFECTIVE JANUARY 1, 2009]: Sec. 42. (a) As used
 11 in this section, "assessed value of inventory" means the assessed value
 12 determined after the application of any deductions or adjustments that
 13 apply by statute or rule to the assessment of inventory, other than the
 14 deduction established in subsection (c).

15 (b) As used in this section, "inventory" has the meaning set forth in
 16 IC 6-1.1-3-11.

17 (c) A taxpayer is entitled to a deduction from assessed value equal
 18 to one hundred percent (100%) of the taxpayer's assessed value of
 19 inventory beginning with assessments made in 2006 for property taxes
 20 first due and payable in 2007.

21 (d) A taxpayer is not required to file an application to qualify for the
 22 deduction established by this section.

23 (e) The department of local government finance shall incorporate
 24 the deduction established by this section in the personal property return
 25 form to be used each year for filing under IC 6-1.1-3-7 or
 26 IC 6-1.1-3-7.5 to permit the taxpayer to enter the deduction on the
 27 form. If a taxpayer fails to enter the deduction on the form, the
 28 ~~township~~ **county** assessor shall:

- 29 (1) determine the amount of the deduction; and
- 30 (2) within the period established in IC 6-1.1-16-1, issue a notice
 31 of assessment to the taxpayer that reflects the application of the
 32 deduction to the inventory assessment.

33 (f) The deduction established by this section must be applied to any
 34 inventory assessment made by:

- 35 (1) an assessing official;
- 36 (2) a county property tax assessment board of appeals; or
- 37 (3) the department of local government finance.

38 SECTION 87. IC 6-1.1-12.1-5, AS AMENDED BY P.L.193-2005,
 39 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 40 JANUARY 1, 2009]: Sec. 5. (a) A property owner who desires to
 41 obtain the deduction provided by section 3 of this chapter must file a
 42 certified deduction application, on forms prescribed by the department



1 of local government finance, with the auditor of the county in which the
 2 property is located. Except as otherwise provided in subsection (b) or
 3 (e), the deduction application must be filed before May 10 of the year
 4 in which the addition to assessed valuation is made.

5 (b) If notice of the addition to assessed valuation or new assessment
 6 for any year is not given to the property owner before April 10 of that
 7 year, the deduction application required by this section may be filed not
 8 later than thirty (30) days after the date such a notice is mailed to the
 9 property owner at the address shown on the records of the ~~township~~
 10 **county** assessor.

11 (c) The deduction application required by this section must contain
 12 the following information:

13 (1) The name of the property owner.

14 (2) A description of the property for which a deduction is claimed
 15 in sufficient detail to afford identification.

16 (3) The assessed value of the improvements before rehabilitation.

17 (4) The increase in the assessed value of improvements resulting
 18 from the rehabilitation.

19 (5) The assessed value of the new structure in the case of
 20 redevelopment.

21 (6) The amount of the deduction claimed for the first year of the
 22 deduction.

23 (7) If the deduction application is for a deduction in a
 24 residentially distressed area, the assessed value of the
 25 improvement or new structure for which the deduction is claimed.

26 (d) A deduction application filed under subsection (a) or (b) is
 27 applicable for the year in which the addition to assessed value or
 28 assessment of a new structure is made and in the following years the
 29 deduction is allowed without any additional deduction application
 30 being filed. However, property owners who had an area designated an
 31 urban development area pursuant to a deduction application filed prior
 32 to January 1, 1979, are only entitled to a deduction for a five (5) year
 33 period. In addition, property owners who are entitled to a deduction
 34 under this chapter pursuant to a deduction application filed after
 35 December 31, 1978, and before January 1, 1986, are entitled to a
 36 deduction for a ten (10) year period.

37 (e) A property owner who desires to obtain the deduction provided
 38 by section 3 of this chapter but who has failed to file a deduction
 39 application within the dates prescribed in subsection (a) or (b) may file
 40 a deduction application between March 1 and May 10 of a subsequent
 41 year which shall be applicable for the year filed and the subsequent
 42 years without any additional deduction application being filed for the



amounts of the deduction which would be applicable to such years pursuant to section 4 of this chapter if such a deduction application had been filed in accordance with subsection (a) or (b).

(f) Subject to subsection (i), the county auditor shall act as follows:

(1) If a determination about the number of years the deduction is allowed has been made in the resolution adopted under section 2.5 of this chapter, the county auditor shall make the appropriate deduction.

(2) If a determination about the number of years the deduction is allowed has not been made in the resolution adopted under section 2.5 of this chapter, the county auditor shall send a copy of the deduction application to the designating body. Upon receipt of the resolution stating the number of years the deduction will be allowed, the county auditor shall make the appropriate deduction.

(3) If the deduction application is for rehabilitation or redevelopment in a residentially distressed area, the county auditor shall make the appropriate deduction.

(g) The amount and period of the deduction provided for property by section 3 of this chapter are not affected by a change in the ownership of the property if the new owner of the property:

(1) continues to use the property in compliance with any standards established under section 2(g) of this chapter; and

(2) files an application in the manner provided by subsection (e).

(h) The ~~township~~ **county** assessor shall include a notice of the deadlines for filing a deduction application under subsections (a) and (b) with each notice to a property owner of an addition to assessed value or of a new assessment.

(i) Before the county auditor acts under subsection (f), the county auditor may request that the ~~township~~ **county** assessor ~~of the township in which the property is located~~ review the deduction application.

(j) A property owner may appeal a determination of the county auditor under subsection (f) to deny or alter the amount of the deduction by requesting in writing a preliminary conference with the county auditor not more than forty-five (45) days after the county auditor gives the person notice of the determination. An appeal initiated under this subsection is processed and determined in the same manner that an appeal is processed and determined under IC 6-1.1-15.

SECTION 88. IC 6-1.1-12.1-5.3, AS ADDED BY P.L.154-2006, SECTION 29, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2009]: Sec. 5.3. (a) A property owner that desires to obtain the deduction provided by section 4.8 of this chapter must file a deduction application, on forms prescribed by the department of local



government finance, with the auditor of the county in which the eligible vacant building is located. Except as otherwise provided in this section, the deduction application must be filed before May 10 of the year in which the property owner or a tenant of the property owner initially occupies the eligible vacant building.

(b) If notice of the assessed valuation or new assessment for a year is not given to the property owner before April 10 of that year, the deduction application required by this section may be filed not later than thirty (30) days after the date the notice is mailed to the property owner at the address shown on the records of the ~~township~~ county assessor.

(c) The deduction application required by this section must contain the following information:

- (1) The name of the property owner and, if applicable, the property owner's tenant.
- (2) A description of the property for which a deduction is claimed.
- (3) The amount of the deduction claimed for the first year of the deduction.
- (4) Any other information required by the department of local government finance or the designating body.

(d) A deduction application filed under this section applies to the year in which the property owner or a tenant of the property owner occupies the eligible vacant building and in the following year if the deduction is allowed for a two (2) year period, without an additional deduction application being filed.

(e) A property owner that desires to obtain the deduction provided by section 4.8 of this chapter but that did not file a deduction application within the dates prescribed in subsection (a) or (b) may file a deduction application between March 1 and May 10 of a subsequent year. A deduction application filed under this subsection applies to the year in which the deduction application is filed and the following year if the deduction is allowed for a two (2) year period, without an additional deduction application being filed. The amount of the deduction under this subsection is the amount that would have been applicable to the year under section 4.8 of this chapter if the deduction application had been filed in accordance with subsection (a) or (b).

(f) Subject to subsection (i), the county auditor shall do the following:

- (1) If a determination concerning the number of years the deduction is allowed has been made in the resolution adopted under section 2.5 of this chapter, the county auditor shall make the appropriate deduction.



(2) If a determination concerning the number of years the deduction is allowed has not been made in the resolution adopted under section 2.5 of this chapter, the county auditor shall send a copy of the deduction application to the designating body. Upon receipt of the resolution stating the number of years the deduction will be allowed, the county auditor shall make the appropriate deduction.

(g) The amount and period of the deduction provided by section 4.8 of this chapter are not affected by a change in the ownership of the eligible vacant building or a change in the property owner's tenant, if the new property owner or the new tenant:

(1) continues to occupy the eligible vacant building in compliance with any standards established under section 2(g) of this chapter; and

(2) files an application in the manner provided by subsection (e).

(h) Before the county auditor acts under subsection (f), the county auditor may request that the ~~township~~ **county** assessor of the ~~township~~ **county** in which the eligible vacant building is located review the deduction application.

(i) A property owner may appeal a determination of the county auditor under subsection (f) by requesting in writing a preliminary conference with the county auditor not more than forty-five (45) days after the county auditor gives the property owner notice of the determination. An appeal under this subsection shall be processed and determined in the same manner that an appeal is processed and determined under IC 6-1.1-15.

(j) In addition to the requirements of subsection (c), a property owner that files a deduction application under this section must provide the county auditor and the designating body with information showing the extent to which there has been compliance with the statement of benefits approved under section 4.8 of this chapter. This information must be included in the deduction application and must also be updated each year in which the deduction is applicable:

(1) at the same time that the property owner or the property owner's tenant files a personal property tax return for property located at the eligible vacant building for which the deduction was granted; or

(2) if subdivision (1) does not apply, before May 15 of each year.

(k) The following information is a public record if filed under this section:

(1) The name and address of the property owner.

(2) The location and description of the eligible vacant building for



1 which the deduction was granted.

2 (3) Any information concerning the number of employees at the
3 eligible vacant building for which the deduction was granted,
4 including estimated totals that were provided as part of the
5 statement of benefits.

6 (4) Any information concerning the total of the salaries paid to the
7 employees described in subdivision (3), including estimated totals
8 that are provided as part of the statement of benefits.

9 (5) Any information concerning the assessed value of the eligible
10 vacant building, including estimates that are provided as part of
11 the statement of benefits.

12 (l) Information concerning the specific salaries paid to individual
13 employees by the property owner or tenant is confidential.

14 SECTION 89. IC 6-1.1-12.1-5.4, AS AMENDED BY P.L.193-2005,
15 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
16 JANUARY 1, 2009]: Sec. 5.4. (a) A person that desires to obtain the
17 deduction provided by section 4.5 of this chapter must file a certified
18 deduction schedule with the person's personal property return on a form
19 prescribed by the department of local government finance with the
20 ~~township county~~ assessor of the ~~township county~~ in which the new
21 manufacturing equipment, new research and development equipment,
22 new logistical distribution equipment, or new information technology
23 equipment is located. Except as provided in subsection (e), the
24 deduction is applied in the amount claimed in a certified schedule that
25 a person files with:

26 (1) a timely personal property return under IC 6-1.1-3-7(a) or
27 IC 6-1.1-3-7(b); or

28 (2) a timely amended personal property return under
29 IC 6-1.1-3-7.5.

30 The ~~township county~~ assessor shall forward to the county auditor ~~and~~
31 ~~the county assessor~~ a copy of each certified deduction schedule filed
32 under this subsection.

33 (b) The deduction schedule required by this section must contain the
34 following information:

35 (1) The name of the owner of the new manufacturing equipment,
36 new research and development equipment, new logistical
37 distribution equipment, or new information technology
38 equipment.

39 (2) A description of the new manufacturing equipment, new
40 research and development equipment, new logistical distribution
41 equipment, or new information technology equipment.

42 (3) The amount of the deduction claimed for the first year of the



1 deduction.

2 (c) This subsection applies to a deduction schedule with respect to
3 new manufacturing equipment, new research and development
4 equipment, new logistical distribution equipment, or new information
5 technology equipment for which a statement of benefits was initially
6 approved after April 30, 1991. If a determination about the number of
7 years the deduction is allowed has not been made in the resolution
8 adopted under section 2.5 of this chapter, the county auditor shall send
9 a copy of the deduction schedule to the designating body, and the
10 designating body shall adopt a resolution under section 4.5(g)(2) of this
11 chapter.

12 (d) A deduction schedule must be filed under this section in the year
13 in which the new manufacturing equipment, new research and
14 development equipment, new logistical distribution equipment, or new
15 information technology equipment is installed and in each of the
16 immediately succeeding years the deduction is allowed.

17 (e) The ~~township assessor~~, or the county assessor may:

18 (1) review the deduction schedule; and

19 (2) before the March 1 that next succeeds the assessment date for
20 which the deduction is claimed, deny or alter the amount of the
21 deduction.

22 If the ~~township assessor~~ or the county assessor does not deny the
23 deduction, the county auditor shall apply the deduction in the amount
24 claimed in the deduction schedule or in the amount as altered by the
25 ~~township assessor~~ or the county assessor. A ~~township assessor~~ or a
26 county assessor who denies a deduction under this subsection or alters
27 the amount of the deduction shall notify the person that claimed the
28 deduction and the county auditor of the assessor's action. The county
29 auditor shall notify the designating body and the county property tax
30 assessment board of appeals of all deductions applied under this
31 section.

32 (f) If the ownership of new manufacturing equipment, new research
33 and development equipment, new logistical distribution equipment, or
34 new information technology equipment changes, the deduction
35 provided under section 4.5 of this chapter continues to apply to that
36 equipment if the new owner:

37 (1) continues to use the equipment in compliance with any
38 standards established under section 2(g) of this chapter; and

39 (2) files the deduction schedules required by this section.

40 (g) The amount of the deduction is the percentage under section 4.5
41 of this chapter that would have applied if the ownership of the property
42 had not changed multiplied by the assessed value of the equipment for



the year the deduction is claimed by the new owner.

(h) A person may appeal a determination of the ~~township assessor or the~~ county assessor under subsection (e) to deny or alter the amount of the deduction by requesting in writing a preliminary conference with the ~~township assessor or the~~ county assessor not more than forty-five (45) days after the ~~township assessor or the~~ county assessor gives the person notice of the determination. Except as provided in subsection (i), an appeal initiated under this subsection is processed and determined in the same manner that an appeal is processed and determined under IC 6-1.1-15.

(i) The county assessor is recused from any action the county property tax assessment board of appeals takes with respect to an appeal under subsection (h) of a determination by the county assessor.

SECTION 90. IC 6-1.1-12.1-5.8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2009]: Sec. 5.8. In lieu of providing the statement of benefits required by section 3 or 4.5 of this chapter and the additional information required by section 5.1 or 5.6 of this chapter, the designating body may, by resolution, waive the statement of benefits if the designating body finds that the purposes of this chapter are served by allowing the deduction and the property owner has, during the thirty-six (36) months preceding the first assessment date to which the waiver would apply, installed new manufacturing equipment, new research and development equipment, new logistical distribution equipment, or new information technology equipment or developed or rehabilitated property at a cost of at least ten million dollars (\$10,000,000) as determined by the **county** assessor. ~~of the township in which the property is located.~~

SECTION 91. IC 6-1.1-12.1-5.9, AS AMENDED BY P.L.154-2006, SECTION 30, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2009]: Sec. 5.9. (a) This section does not apply to:

- (1) a deduction under section 3 of this chapter for property located in a residentially distressed area; or
- (2) any other deduction under section 3 or 4.5 of this chapter for which a statement of benefits was approved before July 1, 1991.

(b) Not later than forty-five (45) days after receipt of the information described in section 5.1, 5.3(j), or 5.6 of this chapter, the designating body may determine whether the property owner has substantially complied with the statement of benefits approved under section 3, 4.5, or 4.8 of this chapter. If the designating body determines that the property owner has not substantially complied with the statement of benefits and that the failure to substantially comply was not caused by factors beyond the control of the property owner (such as declines in



1 demand for the property owner's products or services), the designating
 2 body shall mail a written notice to the property owner. The written
 3 notice must include the following provisions:

4 (1) An explanation of the reasons for the designating body's
 5 determination.

6 (2) The date, time, and place of a hearing to be conducted by the
 7 designating body for the purpose of further considering the
 8 property owner's compliance with the statement of benefits. The
 9 date of the hearing may not be more than thirty (30) days after the
 10 date on which the notice is mailed.

11 (c) On the date specified in the notice described in subsection
 12 (b)(2), the designating body shall conduct a hearing for the purpose of
 13 further considering the property owner's compliance with the statement
 14 of benefits. Based on the information presented at the hearing by the
 15 property owner and other interested parties, the designating body shall
 16 again determine whether the property owner has made reasonable
 17 efforts to substantially comply with the statement of benefits and
 18 whether any failure to substantially comply was caused by factors
 19 beyond the control of the property owner. If the designating body
 20 determines that the property owner has not made reasonable efforts to
 21 comply with the statement of benefits, the designating body shall adopt
 22 a resolution terminating the property owner's deduction under section
 23 3, 4.5, or 4.8 of this chapter. If the designating body adopts such a
 24 resolution, the deduction does not apply to the next installment of
 25 property taxes owed by the property owner or to any subsequent
 26 installment of property taxes.

27 (d) If the designating body adopts a resolution terminating a
 28 deduction under subsection (c), the designating body shall immediately
 29 mail a certified copy of the resolution to:

30 (1) the property owner;

31 (2) the county auditor; and

32 (3) if the deduction applied under section 4.5 of this chapter, the
 33 township county assessor.

34 The county auditor shall remove the deduction from the tax duplicate
 35 and shall notify the county treasurer of the termination of the
 36 deduction. If the designating body's resolution is adopted after the
 37 county treasurer has mailed the statement required by IC 6-1.1-22-8,
 38 the county treasurer shall immediately mail the property owner a
 39 revised statement that reflects the termination of the deduction.

40 (e) A property owner whose deduction is terminated by the
 41 designating body under this section may appeal the designating body's
 42 decision by filing a complaint in the office of the clerk of the circuit or



superior court together with a bond conditioned to pay the costs of the appeal if the appeal is determined against the property owner. An appeal under this subsection shall be promptly heard by the court without a jury and determined within thirty (30) days after the time of the filing of the appeal. The court shall hear evidence on the appeal and may confirm the action of the designating body or sustain the appeal. The judgment of the court is final and conclusive unless an appeal is taken as in other civil actions.

(f) If an appeal under subsection (e) is pending, the taxes resulting from the termination of the deduction are not due until after the appeal is finally adjudicated and the termination of the deduction is finally determined.

SECTION 92. IC 6-1.1-12.4-1, AS ADDED BY P.L.193-2005, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2009]: Sec. 1. For purposes of this chapter, "official" means:

- (1) a county auditor; **or**
- (2) a county assessor. ~~or~~
- ~~(3) a township assessor.~~

SECTION 93. IC 6-1.1-12.4-2, AS AMENDED BY P.L.219-2007, SECTION 34, AND AS AMENDED BY P.L.234-2007, SECTION 38, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2009]: Sec. 2. (a) For purposes of this section, an increase in the assessed value of real property is determined in the same manner that an increase in the assessed value of real property is determined for purposes of IC 6-1.1-12.1.

(b) This subsection applies only to a development, redevelopment, or rehabilitation that is first assessed after March 1, 2005, and before March 2, ~~2009~~ 2007. Except as provided in subsection (h) and sections 4, 5, and 8 of this chapter, an owner of real property that:

- (1) develops, redevelops, or rehabilitates the real property; and
- (2) creates or retains employment from the development, redevelopment, or rehabilitation;

is entitled to a deduction from the assessed value of the real property.

(c) *Subject to section 14 of this chapter*, the deduction under this section is first available in the year in which the increase in assessed value resulting from the development, redevelopment, or rehabilitation occurs and continues for the following two (2) years. The amount of the deduction that a property owner may receive with respect to real property located in a county for a particular year equals the lesser of:

- (1) two million dollars (\$2,000,000); or
- (2) the product of:



(A) the increase in assessed value resulting from the development, rehabilitation, or redevelopment; multiplied by

(B) the percentage from the following table:

YEAR OF DEDUCTION	PERCENTAGE
1st	75%
2nd	50%
3rd	25%

(d) A property owner that qualifies for the deduction under this section must file a notice to claim the deduction in the manner prescribed by the department of local government finance under rules adopted by the department of local government finance under IC 4-22-2 to implement this chapter. The ~~township~~ **county** assessor shall:

(1) inform the county auditor of the real property eligible for the deduction as contained in the notice filed by the taxpayer under this subsection; and

(2) inform the county auditor of the deduction amount.

(e) The county auditor shall:

(1) make the deductions; and

(2) notify the county property tax assessment board of appeals of all deductions approved;

under this section.

(f) The amount of the deduction determined under subsection (c)(2) is adjusted to reflect the percentage increase or decrease in assessed valuation that results from:

(1) a general reassessment of real property under IC 6-1.1-4-4; or

(2) an annual adjustment under IC 6-1.1-4-4.5.

(g) If an appeal of an assessment is approved that results in a reduction of the assessed value of the real property, the amount of the deduction under this section is adjusted to reflect the percentage decrease that results from the appeal.

(h) The deduction under this section does not apply to a facility listed in IC 6-1.1-12.1-3(e).

SECTION 94. IC 6-1.1-12.4-3, AS AMENDED BY P.L.219-2007, SECTION 35, AND AS AMENDED BY P.L.234-2007, SECTION 39, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2009]: Sec. 3. (a) For purposes of this section, an increase in the assessed value of personal property is determined in the same manner that an increase in the assessed value of new manufacturing equipment is determined for purposes of IC 6-1.1-12.1.

(b) This subsection applies only to personal property that the owner



purchases after March 1, 2005, and before March 2, ~~2009~~ 2007.
 Except as provided in sections 4, 5, and 8 of this chapter, an owner that
 purchases personal property other than inventory (as defined in 50
 IAC 4.2-5-1, as in effect on January 1, 2005) that:

(1) was never before used by its owner for any purpose in Indiana;
 and

(2) creates or retains employment;

is entitled to a deduction from the assessed value of the personal
 property.

(c) *Subject to section 14 of this chapter*, the deduction under this
 section is first available in the year in which the increase in assessed
 value resulting from the purchase of the personal property occurs and
 continues for the following two (2) years. The amount of the deduction
 that a property owner may receive with respect to personal property
 located in a county for a particular year equals the lesser of:

(1) two million dollars (\$2,000,000); or

(2) the product of:

(A) the increase in assessed value resulting from the purchase
 of the personal property; multiplied by

(B) the percentage from the following table:

YEAR OF DEDUCTION	PERCENTAGE
1st	75%
2nd	50%
3rd	25%

(d) If an appeal of an assessment is approved that results in a
 reduction of the assessed value of the personal property, the amount of
 the deduction is adjusted to reflect the percentage decrease that results
 from the appeal.

(e) A property owner must claim the deduction under this section on
 the owner's annual personal property tax return. The ~~township~~ **county**
 assessor shall:

(1) identify the personal property eligible for the deduction to the
 county auditor; and

(2) inform the county auditor of the deduction amount.

(f) The county auditor shall:

(1) make the deductions; and

(2) notify the county property tax assessment board of appeals of
 all deductions approved;

under this section.

(g) The deduction under this section does not apply to personal
 property at a facility listed in IC 6-1.1-12.1-3(e).

SECTION 95. IC 6-1.1-12.4-9, AS ADDED BY P.L.193-2005,



SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2009]: Sec. 9. If an official terminates a deduction under section 8 of this chapter:

(1) the official shall immediately mail a certified copy of the determination to:

(A) the property owner; and

(B) if the determination is made by the county assessor, ~~or the township assessor~~, the county auditor;

(2) the county auditor shall:

(A) remove the deduction from the tax duplicate; and

(B) notify the county treasurer of the termination of the deduction; and

(3) if the official's determination to terminate the deduction occurs after the county treasurer has mailed the statement required by IC 6-1.1-22-8, the county treasurer shall immediately mail the property owner a revised statement that reflects the termination of the deduction.

SECTION 96. IC 6-1.1-13-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2009]: Sec. 2. When the county property tax assessment board of appeals convenes, the county auditor shall submit to the board the assessment list of the county for the current year as returned by the ~~township assessors~~ and as amended ~~and returned by the~~ county assessor. The county assessor shall make recommendations to the board for corrections and changes in the returns and assessments. The board shall consider and act upon all the recommendations.

SECTION 97. IC 6-1.1-14-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2009]: Sec. 7. The county assessor ~~a township assessor~~, or ten (10) or more taxpayers who are affected by an equalization order issued under section 5 of this chapter may file a petition for review of the order with the county ~~assessor~~ **auditor** of the county to which the equalization order is issued. The petition must be filed within ten (10) days after notice of the order is given under section 9 of this chapter. The petition shall set forth, in the form and detail prescribed by the department of local government finance, the objections to the equalization order.

SECTION 98. IC 6-1.1-14-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2009]: Sec. 8. (a) If a petition for review of an equalization order is filed with a county auditor under section 7 of this chapter, the county auditor shall immediately mail a certified copy of the petition and any information relevant to the petition to the department of local government finance. Within a



reasonable period of time, the department of local government finance shall fix a date for a hearing on the petition. The hearing shall be held in the county to which the equalization order has been directed. At least three (3) days before the date fixed for the hearing, the department of local government finance shall give notice of the hearing by mail to the ~~township and county assessors~~ **assessor** whose ~~assessments are~~ **assessment is** affected by the order and to the first ten (10) taxpayers whose names appear on the petition for review at the addresses listed by those taxpayers on the petition. In addition, the department of local government finance shall give the notice, if any, required under section 9(a) of this chapter.

(b) After the hearing required by subsection (a), the department of local government finance may affirm, modify, or set aside its equalization order. The department shall certify its action with respect to the order to the county auditor. The county auditor shall immediately make any changes in the assessed values required by the action of the department of local government finance.

(c) A person whose name appears on the petition for review may petition for judicial review of the final determination of the department of local government finance under subsection (b). The petition must be filed in the tax court not more than forty-five (45) days after the department certifies its action under subsection (b).

SECTION 99. IC 6-1.1-15-1, AS AMENDED BY P.L.219-2007, SECTION 38, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2009]: Sec. 1. (a) A taxpayer may obtain a review by the county board of a county ~~or township~~ official's action with respect to the assessment of the taxpayer's tangible property if the official's action requires the giving of notice to the taxpayer. At the time that notice is given to the taxpayer, the taxpayer shall also be informed in writing of:

(1) the opportunity for a review under this section, including a meeting under subsection (h) with the county ~~or township~~ official referred to in this subsection; and

(2) the procedures the taxpayer must follow in order to obtain a review under this section.

(b) In order to obtain a review of an assessment effective for the assessment date to which the notice referred to in subsection (a) applies, the taxpayer must file a notice in writing with the county ~~or township~~ official referred to in subsection (a) not later than forty-five (45) days after the date of the notice referred to in subsection (a).

(c) A taxpayer may obtain a review by the county board of the assessment of the taxpayer's tangible property effective for an assessment date for which a notice of assessment is not given as



described in subsection (a). To obtain the review, the taxpayer must file a notice in writing with the ~~township~~ **county** assessor. ~~of the township in which the property is subject to assessment.~~ The right of a taxpayer to obtain a review under this subsection for an assessment date for which a notice of assessment is not given does not relieve an assessing official of the duty to provide the taxpayer with the notice of assessment as otherwise required by this article. For an assessment date in a year before 2009, the notice must be filed on or before May 10 of the year. For an assessment date in a year after 2008, the notice must be filed not later than the later of:

(1) May 10 of the year; or

(2) forty-five (45) days after the date of the statement mailed by the county auditor under IC 6-1.1-17-3(b).

(d) A change in an assessment made as a result of a notice for review filed by a taxpayer under subsection (c) after the time prescribed in subsection (c) becomes effective for the next assessment date. A change in an assessment made as a result of a notice for review filed by a taxpayer under subsection (b) or (c) remains in effect from the assessment date for which the change is made until the next assessment date for which the assessment is changed under this article.

(e) The written notice filed by a taxpayer under subsection (b) or (c) must include the following information:

(1) The name of the taxpayer.

(2) The address and parcel or key number of the property.

(3) The address and telephone number of the taxpayer.

(f) A county ~~or township~~ official who receives a notice for review filed by a taxpayer under subsection (b) or (c) shall immediately forward the notice to the county board.

(g) The county board shall hold a hearing on a review under this subsection not later than one hundred eighty (180) days after the date of the notice for review filed by the taxpayer under subsection (b) or (c). The county board shall, by mail, give notice of the date, time, and place fixed for the hearing to the taxpayer and the county ~~or township~~ official with whom the taxpayer filed the notice for review. The taxpayer and the county ~~or township~~ official with whom the taxpayer filed the notice for review are parties to the proceeding before the county board.

(h) Before the county board holds the hearing required under subsection (g), the taxpayer may request a meeting by filing a written request with the county ~~or township~~ official with whom the taxpayer filed the notice for review to:

(1) attempt to resolve as many issues under review as possible;



1 and

2 (2) seek a joint recommendation for settlement of some or all of
3 the issues under review.

4 A county ~~or township~~ official who receives a meeting request under
5 this subsection before the county board hearing shall meet with the
6 taxpayer. The taxpayer and the county ~~or township~~ official shall present
7 a joint recommendation reached under this subsection to the county
8 board at the hearing required under subsection (g). The county board
9 may adopt or reject the recommendation in whole or in part.

10 (i) At the hearing required under subsection (g):

11 (1) the taxpayer may present the taxpayer's reasons for
12 disagreement with the assessment; and

13 (2) the county ~~or township~~ official with whom the taxpayer filed
14 the notice for review must present:

15 (A) the basis for the assessment decision; and

16 (B) the reasons the taxpayer's contentions should be denied.

17 (j) The county board may not require a taxpayer to file documentary
18 evidence or summaries of statements of testimonial evidence before the
19 hearing required under subsection (g).

20 (k) Regardless of whether the county board adopts a
21 recommendation under subsection (h), the county board shall prepare
22 a written decision resolving all of the issues under review. The county
23 board shall, by mail, give notice of its determination not later than one
24 hundred twenty (120) days after the hearing under subsection (g) to the
25 taxpayer **and** the county assessor. ~~and the township assessor.~~

26 (l) If the maximum time elapses:

27 (1) under subsection (g) for the county board to hold a hearing; or

28 (2) under subsection (k) for the county board to give notice of its
29 determination;

30 the taxpayer may initiate a proceeding for review before the Indiana
31 board by taking the action required by section 3 of this chapter at any
32 time after the maximum time elapses.

33 SECTION 100. IC 6-1.1-15-9, AS AMENDED BY P.L.219-2007,
34 SECTION 43, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
35 JANUARY 1, 2009]: Sec. 9. (a) If the assessment or exemption of
36 tangible property is corrected by the department of local government
37 finance or the county board under section 8 of this chapter, the owner
38 of the property has a right to appeal the final determination of the
39 corrected assessment or exemption to the Indiana board. The county
40 assessor also has a right to appeal the final determination of the
41 reassessment or exemption by the department of local government
42 finance or the county board, but only upon request by the county



1 assessor ~~the elected township assessor~~, or an affected taxing unit. If the
 2 appeal is taken at the request of an affected taxing unit, the taxing unit
 3 shall pay the costs of the appeal.

4 (b) An appeal under this section must be initiated in the manner
 5 prescribed in section 3 of this chapter or IC 6-1.5-5.

6 SECTION 101. IC 6-1.1-15-11 IS AMENDED TO READ AS
 7 FOLLOWS [EFFECTIVE JANUARY 1, 2009]: Sec. 11. (a) If a review
 8 or appeal authorized under this chapter results in a reduction of the
 9 amount of an assessment or if the department of local government
 10 finance on its own motion reduces an assessment, the taxpayer is
 11 entitled to a credit in the amount of any overpayment of tax on the next
 12 successive tax installment, if any, due in that year. After the credit is
 13 given, the county auditor shall:

- 14 (1) determine if a further amount is due the taxpayer; and
- 15 (2) if a further amount is due the taxpayer, notwithstanding
 16 IC 5-11-10-1 and IC 36-2-6-2, without a claim or an appropriation
 17 being required, pay the amount due the taxpayer.

18 The county auditor shall charge the amount refunded to the taxpayer
 19 against the accounts of the various taxing units to which the
 20 overpayment has been paid. The county auditor shall notify the county
 21 executive of the payment of the amount due. ~~and publish the allowance~~
 22 ~~in the manner provided in IC 36-2-6-3.~~

23 (b) The notice under subsection (a)(2) is treated as a claim by the
 24 taxpayer for the amount due referred to in that subsection.

25 SECTION 102. IC 6-1.1-15-12, AS AMENDED BY P.L.219-2007,
 26 SECTION 45, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 27 JANUARY 1, 2009]: Sec. 12. (a) Subject to the limitations contained
 28 in subsections (c) and (d), a county auditor shall correct errors which
 29 are discovered in the tax duplicate for any one (1) or more of the
 30 following reasons:

- 31 (1) The description of the real property was in error.
- 32 (2) The assessment was against the wrong person.
- 33 (3) Taxes on the same property were charged more than one (1)
 34 time in the same year.
- 35 (4) There was a mathematical error in computing the taxes or
 36 penalties on the taxes.
- 37 (5) There was an error in carrying delinquent taxes forward from
 38 one (1) tax duplicate to another.
- 39 (6) The taxes, as a matter of law, were illegal.
- 40 (7) There was a mathematical error in computing an assessment.
- 41 (8) Through an error of omission by any state or county officer,
 42 the taxpayer was not given credit for an exemption or deduction



permitted by law.

(b) The county auditor shall correct an error described under subsection (a)(1), (a)(2), (a)(3), (a)(4), or (a)(5) when the county auditor finds that the error exists.

(c) If the tax is based on an assessment made or determined by the department of local government finance, the county auditor shall not correct an error described under subsection (a)(6), (a)(7), or (a)(8) until after the correction is either approved by the department of local government finance or ordered by the tax court.

(d) If the tax is not based on an assessment made or determined by the department of local government finance, the county auditor shall correct an error described under subsection (a)(6), (a)(7), or (a)(8) only if the correction is first approved by ~~at least two~~ **(2)** both of the following officials:

~~(1) The township assessor.~~

~~(2) (1) The county auditor.~~

~~(3) (2) The county assessor.~~

If ~~two (2)~~ of these officials do not approve such a correction, the county auditor shall refer the matter to the county board for determination. The county board shall provide a copy of the determination to the taxpayer and to the county auditor.

(e) A taxpayer may appeal a determination of the county board to the Indiana board for a final administrative determination. An appeal under this section shall be conducted in the same manner as appeals under sections 4 through 8 of this chapter. The Indiana board shall send the final administrative determination to the taxpayer, the county auditor, **and** the county assessor. ~~and the township assessor.~~

(f) If a correction or change is made in the tax duplicate after it is delivered to the county treasurer, the county auditor shall transmit a certificate of correction to the county treasurer. The county treasurer shall keep the certificate as the voucher for settlement with the county auditor.

(g) A taxpayer that files a personal property tax return under IC 6-1.1-3 may not petition under this section for the correction of an error made by the taxpayer on the taxpayer's personal property tax return. If the taxpayer wishes to correct an error made by the taxpayer on the taxpayer's personal property tax return, the taxpayer must instead file an amended personal property tax return under IC 6-1.1-3-7.5.

(h) A taxpayer that files a statement under IC 6-1.1-8-19 may not petition under this section for the correction of an error made by the taxpayer on the taxpayer's statement. If the taxpayer wishes to correct



an error made by the taxpayer on the taxpayer's statement, the taxpayer must instead initiate an objection under IC 6-1.1-8-28 or an appeal under IC 6-1.1-8-30.

(i) A taxpayer that files a statement under IC 6-1.1-8-23 may not petition under this section for the correction of an error made by the taxpayer on the taxpayer's statement. If the taxpayer wishes to correct an error made by the taxpayer on the taxpayer's statement, the taxpayer must instead file an amended statement not more than six (6) months after the due date of the statement.

SECTION 103. IC 6-1.1-15-14, AS AMENDED BY P.L.219-2007, SECTION 46, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2009]: Sec. 14. In any assessment review, the assessing official ~~the county assessor, and the members of a county board~~ shall:

(1) use the department of local government finance's rules in effect; and

(2) consider the conditions and circumstances of the property as they existed;

on the original assessment date of the property under review.

SECTION 104. IC 6-1.1-15-16, AS AMENDED BY P.L.219-2007, SECTION 47, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2009]: Sec. 16. Notwithstanding any provision in the 2002 Real Property Assessment Manual and Real Property Assessment Guidelines for 2002-Version A, incorporated by reference in 50 IAC 2.3-1-2, a county board or the Indiana board shall consider all evidence relevant to the assessment of real property regardless of whether the evidence was submitted to the ~~township~~ county assessor before the assessment of the property.

SECTION 105. IC 6-1.1-16-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2009]: Sec. 1. (a) Except as provided in section 2 of this chapter, an assessing official ~~county assessor~~, or county property tax assessment board of appeals may not change the assessed value claimed by a taxpayer on a personal property return unless the assessing official ~~county assessor~~, or county property tax assessment board of appeals takes the action and gives the notice required by IC 6-1.1-3-20 within the following ~~time~~ periods:

(1) ~~A township or county assessing official must make a change in the assessed value and give the notice of the change on or before the latter of:~~

(A) September ~~15~~ of the year for which the assessment is made; or

(B) four (4) months from the date the personal property return is filed if the return is filed after May ~~15~~ of the year for which



- 1 the assessment is made.
- 2 ~~(2) A county assessor~~ **(1) An assessing official** or county property
- 3 tax assessment board of appeals must make a change in the
- 4 assessed value, including the final determination by the board of
- 5 an assessment changed by ~~a township or county~~ **an** assessing
- 6 official, ~~or county property tax assessment board of appeals~~ and
- 7 give the notice of the change on or before the ~~latter~~ **later** of:
- 8 (A) October 30 of the year for which the assessment is made;
- 9 or
- 10 (B) five (5) months from the date the personal property return
- 11 is filed if the return is filed after May 15 of the year for which
- 12 the assessment is made.
- 13 ~~(3)~~ **(2)** The department of local government finance must make a
- 14 preliminary change in the assessed value and give the notice of
- 15 the change on or before the ~~latter~~ **later** of:
- 16 (A) October 1 of the year immediately following the year for
- 17 which the assessment is made; or
- 18 (B) sixteen (16) months from the date the personal property
- 19 return is filed if the return is filed after May 15 of the year for
- 20 which the assessment is made.
- 21 (b) Except as provided in section 2 of this chapter, if an assessing
- 22 official ~~a county assessor~~, or a county property tax assessment board of
- 23 appeals fails to change an assessment and give notice of the change
- 24 within the time prescribed by this section, the assessed value claimed
- 25 by the taxpayer on the personal property return is final.
- 26 (c) This section does not limit the authority of a county auditor to
- 27 correct errors in a tax duplicate under IC 6-1.1-15-12.
- 28 (d) This section does not apply if the taxpayer:
- 29 (1) fails to file a personal property return which substantially
- 30 complies with ~~the provisions of~~ this article and the regulations of
- 31 the department of local government finance; or
- 32 (2) files a fraudulent personal property return with the intent to
- 33 evade the payment of property taxes.
- 34 (e) A taxpayer may appeal a preliminary determination of the
- 35 department of local government finance under subsection ~~(a)(3)~~ **(a)(2)**
- 36 to the Indiana board. An appeal under this subdivision shall be
- 37 conducted in the same manner as an appeal under IC 6-1.1-15-4
- 38 through IC 6-1.1-15-8. A preliminary determination that is not
- 39 appealed under this subsection is a final unappealable order of the
- 40 department of local government finance.
- 41 SECTION 106. IC 6-1.1-16-2, AS AMENDED BY P.L.219-2007,
- 42 SECTION 48, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE



JANUARY 1, 2009]: Sec. 2. (a) If a county property tax assessment board of appeals fails to change an assessed value claimed by a taxpayer on a personal property return and give notice of the change within the time prescribed in ~~section 1(a)(2)~~ **section 1(a)(1)** of this chapter, the ~~township assessor, or the~~ county assessor may file a petition for review of the assessment by the Indiana board. The ~~township assessor or the~~ county assessor must file the petition for review in the manner provided in IC 6-1.1-15-3(d). The ~~time~~ period for filing the petition begins to run on the last day that the county board is permitted to act on the assessment under ~~section 1(a)(2)~~ **section 1(a)(1)** of this chapter as though the board acted and gave notice of its action on that day.

(b) Notwithstanding ~~section 1(a)(3)~~ **section 1(a)(2)** of this chapter, the department of local government finance shall reassess tangible property when an appealed assessment of the property is remanded to the board under IC 6-1.1-15-8.

SECTION 107. IC 6-1.1-16-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2009]: Sec. 3. (a) If a county property tax assessment board of appeals is unable to take action on an assessment within the time period prescribed in ~~section 1(a)(2)~~ **section 1(a)(1)** of this chapter because the board is no longer in session, the board shall file with the department of local government finance a written petition requesting permission to conduct a special session for the purpose of reviewing the assessment within the required time period. If the department of local government finance approves the petition, it shall specify:

- (1) the number of session days granted to the county property tax assessment board of appeals; and
- (2) the termination date of the special session.

(b) The county auditor shall pay the expenses and per diem allowances resulting from the special session. The county auditor shall draw warrants for these items on county funds not otherwise appropriated, without further appropriations being required for the disbursements.

SECTION 108. IC 6-1.1-17-3, AS AMENDED BY P.L.219-2007, SECTION 49, AND AS AMENDED BY P.L.224-2007, SECTION 5, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2009]: Sec. 3. (a) The proper officers of a political subdivision shall formulate its estimated budget and its proposed tax rate and tax levy on the form prescribed by the department of local government finance and approved by the state board of accounts. The political subdivision shall give notice by



publication to taxpayers of:

- (1) the estimated budget;
- (2) the estimated maximum permissible levy;
- (3) the current and proposed tax levies of each fund; and
- (4) the amounts of excessive levy appeals to be requested.

In the notice, the political subdivision shall also state the time and place at which a public hearing will be held on these items. The notice shall be published twice in accordance with IC 5-3-1 with the first publication at least ten (10) days before the date fixed for the public hearing. Beginning in 2009, the duties required by this subsection must be completed before August 10 of the calendar year. A political subdivision shall provide the estimated budget and levy information required for the notice under subsection (b) to the county auditor on the schedule determined by the department of local government finance.

(b) Beginning in 2009, before August 10 of a calendar year, the county auditor shall mail to the last known address of each person liable for any property taxes, as shown on the tax duplicate, or to the last known address of the most recent owner shown in the transfer book, a statement that includes:

(1) the assessed valuation as of the assessment date in the current calendar year of tangible property on which the person will be liable for property taxes first due and payable in the immediately succeeding calendar year and notice to the person of the opportunity to appeal the assessed valuation under ~~IC 6-1.1-15-1(b)~~; IC 6-1.1-15-1(c);

(2) the amount of property taxes for which the person will be liable to each political subdivision on the tangible property for taxes first due and payable in the immediately succeeding calendar year, taking into account all factors that affect that liability, including:

- (A) the estimated budget and proposed tax rate and tax levy formulated by the political subdivision under subsection (a);
- (B) any deductions or exemptions that apply to the assessed valuation of the tangible property;
- (C) any credits that apply in the determination of the tax liability; and
- (D) the county auditor's best estimate of the effects on the tax liability that might result from actions of:

(i) the county board of tax adjustment (*before January 1, 2009*) or the county board of tax and capital projects review (*after December 31, 2008*); or

(ii) the department of local government finance;



(3) a prominently displayed notation that:

(A) the estimate under subdivision (2) is based on the best information available at the time the statement is mailed; and

(B) based on various factors, including potential actions by:

(i) the county board of tax adjustment (*before January 1, 2009*) or the county board of tax and capital projects review (*after December 31, 2008*); or

(ii) the department of local government finance;

it is possible that the tax liability as finally determined will differ substantially from the estimate;

(4) comparative information showing the amount of property taxes for which the person is liable to each political subdivision on the tangible property for taxes first due and payable in the current year; ~~and~~

(5) the date, time, and place at which the political subdivision will hold a public hearing on the political subdivision's estimated budget and proposed tax rate and tax levy as required under subsection (a); **and**

(6) if the standard deduction under IC 6-1.1-12-37 is not shown as an applicable deduction, the notation in bold type that "This property is not currently receiving a standard deduction."

(c) The department of local government finance shall:

(1) prescribe a form for; and

(2) provide assistance to county auditors in preparing;

statements under subsection (b). Mailing the statement described in subsection (b) to a mortgagee maintaining an escrow account for a person who is liable for any property taxes shall not be construed as compliance with subsection (b).

(d) The board of directors of a solid waste management district established under IC 13-21 or IC 13-9.5-2 (before its repeal) may conduct the public hearing required under subsection (a):

(1) in any county of the solid waste management district; and

(2) in accordance with the annual notice of meetings published under IC 13-21-5-2.

(e) The trustee of each township in the county shall estimate the amount necessary to meet the cost of township assistance in the township for the ensuing calendar year. The township board shall adopt with the township budget a tax rate sufficient to meet the estimated cost of township assistance. The taxes collected as a result of the tax rate adopted under this subsection are credited to the township assistance fund.



(f) A county shall adopt with the county budget and the department of local government finance shall certify under section 16 of this chapter a tax rate sufficient to raise the levy necessary to pay the following:

(1) The cost of child services (as defined in IC 12-19-7-1) of the county payable from the family and children's fund;

(2) The cost of children's psychiatric residential treatment services (as defined in IC 12-19-7.5-1) of the county payable from the children's psychiatric residential treatment services fund;

A budget, tax rate, or tax levy adopted by a county fiscal body or approved or modified by a county board of tax adjustment that is less than the levy necessary to pay the costs described in subdivision (1) or (2) shall not be treated as a final budget, tax rate, or tax levy under section 11 of this chapter.

SECTION 109. IC 6-1.1-17-6, AS AMENDED BY P.L.224-2007, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2009]: Sec. 6. (a) The county board of tax adjustment (before January 1, 2009) or the county board of tax and capital projects review (after December 31, 2008) shall review the budget, tax rate, and tax levy of each political subdivision filed with the county auditor under section 5 or 5.6 of this chapter. The board shall revise, or reduce, ~~but not or~~ increase, **as necessary**, any budget, tax rate, or tax levy in order:

(1) to limit the tax rate to the maximum amount permitted under IC 6-1.1-18; ~~and~~

(2) to limit the budget to the amount of revenue to be available in the ensuing budget year for the political subdivision; **or**

(3) to ensure that counties (as defined in IC 6-1.1-18.5-2) and taxing units do not exceed limitations of IC 6-1.1-18.5-2 on spending.

(b) The county board of tax adjustment (before January 1, 2009) or the county board of tax and capital projects review (after December 31, 2008) ~~shall~~ **may** make a revision or reduction in a political subdivision's budget only with respect to the total amounts budgeted for each office or department within each of the major budget classifications prescribed by the state board of accounts.

(c) When the county board of tax adjustment (before January 1, 2009) or the county board of tax and capital projects review (after December 31, 2008) makes a revision or reduction in a budget, tax rate, or tax levy, it shall file with the county auditor a written order which indicates the action taken. If the board reduces the budget, it shall also indicate the reason for the reduction in the order. The chairman of the



1 county board shall sign the order. **The determination of the county**
 2 **board may be subject to referendum under section 22 of this**
 3 **chapter.**

4 SECTION 110. IC 6-1.1-17-7, AS AMENDED BY P.L.224-2007,
 5 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 6 JANUARY 1, 2009]: Sec. 7. If the boundaries of a political subdivision
 7 cross one (1) or more county lines, the budget, tax levy, and tax rate
 8 fixed by the political subdivision shall be filed with the county auditor
 9 of each affected county in the manner prescribed in section 5 or 5.6 of
 10 this chapter. The board of tax adjustment (**before January 1, 2009**) or
 11 **the county board of tax and capital projects review (after**
 12 **December 31, 2008)** of the county which contains the largest portion
 13 of the value of property taxable by the political subdivision, as
 14 determined from the abstracts of taxable values last filed with the
 15 auditor of state, has jurisdiction over the budget, tax rate, and tax levy
 16 to the same extent as if the property taxable by the political subdivision
 17 were wholly within the county. The secretary of the county board of tax
 18 adjustment (before January 1, 2009) or the county board of tax and
 19 capital projects review (after December 31, 2008) shall notify the
 20 county auditor of each affected county of the action of the board.
 21 ~~Appeals from actions of the county board of tax adjustment (before~~
 22 ~~January 1, 2009) or the county board of tax and capital projects review~~
 23 ~~(after December 31, 2008) may be initiated in any affected county. The~~
 24 **determination of the county board may be subject to referendum**
 25 **under section 22 of this chapter.**

26 SECTION 111. IC 6-1.1-17-8, AS AMENDED BY P.L.224-2007,
 27 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 28 JANUARY 1, 2009]: Sec. 8. (a) If the county board of tax adjustment
 29 (before January 1, 2009) or the county board of tax and capital projects
 30 review (after December 31, 2008) determines that the maximum
 31 aggregate tax rate permitted within a political subdivision under
 32 IC 6-1.1-18 is inadequate, the county board shall, subject to the
 33 limitations prescribed in IC 20-45-4, file its written ~~recommendations~~
 34 **determination** in duplicate with the county auditor. The board shall
 35 include with its ~~recommendations:~~ **determination:**

- 36 (1) an analysis of the aggregate tax rate within the political
- 37 subdivision;
- 38 (2) a recommended breakdown of the aggregate tax rate among
- 39 the political subdivisions whose tax rates compose the aggregate
- 40 tax rate within the political subdivision; and
- 41 (3) any other information that the county board considers relevant
- 42 to the matter.



(b) The county auditor shall forward one (1) copy of the county board's recommendations to the department of local government finance and shall retain the other copy in the county auditor's office. The department of local government finance shall, in the manner prescribed in section 16 of this chapter, review the budgets by fund; tax rates; and tax levies of the political subdivisions described in subsection (a)(2).

(b) The determination of the county board may be subject to referendum under section 22 of this chapter.

SECTION 112. IC 6-1.1-17-11, AS AMENDED BY P.L.224-2007, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2009]: Sec. 11. A budget, tax rate, or tax levy of a political subdivision, as approved or modified by the county board of tax adjustment (before January 1, 2009) or the county board of tax and capital projects review (after December 31, 2008), is final. ~~unless:~~

(1) action is taken by the county auditor in the manner provided under section 9 of this chapter;

(2) the action of the county board is subject to review by the department of local government finance under section 8 or 10 of this chapter; or

(3) an appeal to the department of local government finance is initiated with respect to the budget; tax rate; or tax levy.

SECTION 113. IC 6-1.1-17-12, AS AMENDED BY P.L.224-2007, SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2009]: Sec. 12. As soon as the budgets, tax rates, and tax levies are approved or modified by the county board of tax adjustment (before January 1, 2009) or the county board of tax and capital projects review (after December 31, 2008), the county auditor shall within fifteen (15) days prepare a notice of the tax rates to be charged on each one hundred dollars (\$100) of assessed valuation for the various funds in each taxing district. ~~The notice shall also inform the taxpayers of the manner in which they may initiate an appeal of the county board's action.~~ The county auditor shall post the notice at the county courthouse and publish it in two (2) newspapers which represent different political parties and which have a general circulation in the county.

SECTION 114. IC 6-1.1-17-16.7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2009]: Sec. 16.7. (a) A political subdivision that in any year adopts a proposal to establish a cumulative fund or sinking fund under any of the following provisions must submit the proposal to the ~~department of local government finance~~ **county board of tax and capital projects review** before



1 August 2 of that year:
 2 IC 3-11-6
 3 IC 8-10-5
 4 IC 8-16-3
 5 IC 8-16-3.1
 6 IC 8-22-3
 7 IC 14-27-6
 8 IC 14-33-21
 9 IC 16-22-5
 10 IC 16-22-8
 11 IC 36-8-14
 12 IC 36-9-4
 13 IC 36-9-14
 14 IC 36-9-14.5
 15 IC 36-9-15
 16 IC 36-9-15.5
 17 IC 36-9-16
 18 IC 36-9-17
 19 IC 36-9-26
 20 IC 36-9-27
 21 IC 36-10-3
 22 IC 36-10-4
 23 IC 36-10-7.5

24 (b) If a proposal described in subsection (a) is not submitted to the
 25 ~~department of local government finance~~ **county board of tax and**
 26 **capital projects review** before August 2 of a year, the political
 27 subdivision may not levy a tax for the cumulative fund or sinking fund
 28 in the ensuing year.

29 SECTION 115. IC 6-1.1-17-17, AS AMENDED BY P.L.2-2006,
 30 SECTION 39, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 31 JANUARY 1, 2009]: Sec. 17. Subject to the limitations contained in
 32 IC 6-1.1-19, IC 6-1.1-18.5, IC 20-45, and IC 20-46, the ~~department of~~
 33 ~~local government finance~~ **county board of tax and capital projects**
 34 **review** may at any time increase the tax rate and tax levy of a political
 35 subdivision for the following reasons:

- 36 (1) To pay the principal or interest upon a funding, refunding, or
 37 judgment funding obligation of a political subdivision.
 38 (2) To pay the interest or principal upon an outstanding obligation
 39 of the political subdivision.
 40 (3) To pay a judgment rendered against the political subdivision.
 41 (4) To pay lease rentals that have become an obligation of the
 42 political subdivision under IC 20-47-2 or IC 20-47-3.



1 SECTION 116. IC 6-1.1-17-22 IS ADDED TO THE INDIANA
 2 CODE AS A NEW SECTION TO READ AS FOLLOWS
 3 [EFFECTIVE JULY 1, 2009]: **Sec. 22. (a) This section applies when**
 4 **the county board of tax and capital projects review revises or**
 5 **reduces the budget, tax rate, or property tax levy of a political**
 6 **subdivision.**

7 **(b) Upon receipt of a determination of the county board of tax**
 8 **and capital projects review described in subsection (a), the proper**
 9 **officers of a political subdivision may notify the county auditor of**
 10 **their intent to place before the voters of the political subdivision a**
 11 **public question as to whether the political subdivision's final action**
 12 **should be approved.**

13 **(c) The following question shall be submitted to the voters at the**
 14 **election conducted under this section:**

15 "In order to keep the county within the tax and spending
 16 limits provided by state law, the county board of tax and
 17 capital projects review has [reduced] [denied] (insert
 18 appropriate action) the [budget] [tax rate] [tax levy] of
 19 _____ (insert the name of the political subdivision).
 20 The estimated property tax rate impact is _____.
 21 Should the tax or spending increase be approved?"

22 **(d) The county auditor shall publish notice of the proposed**
 23 **referendum within seven (7) days after receipt of the notice from**
 24 **the political subdivision, two (2) times, at least one (1) week apart,**
 25 **in accordance with IC 5-3-1.**

26 **(e) The county auditor shall certify the public question**
 27 **described in subsection (c) under IC 3-10-9-3 to the county election**
 28 **board of the county of each county in which the political**
 29 **subdivision is located within five (5) days after receipt of the notice**
 30 **from the political subdivision.**

31 **(f) The referendum shall be held at the next general or**
 32 **municipal election, except in a year in which there is no election, in**
 33 **which case the county election board shall call a special election for**
 34 **the referendum.**

35 **(g) The circuit court clerk shall certify the results of the public**
 36 **question to the following:**

- 37 (1) The executive and fiscal body of the political subdivision
 38 for which the referendum was held.
 39 (2) The county auditor of each county in which the political
 40 subdivision is located.

41 **(h) If a majority of the voters voting on the public question vote**
 42 **in favor of the public question, the tax or spending increase**



described in the public question is approved.

(i) If less than a majority of the voters voting on the public question vote in favor of the public question, the determination of the county board of tax and capital projects review is approved.

SECTION 117. IC 6-1.1-18-3, AS AMENDED BY P.L.224-2007, SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2009]: Sec. 3. (a) Except as provided in ~~subsection~~ **subsections (b), and (c)**, the sum of all tax rates for all political subdivisions imposed on tangible property within a political subdivision may not exceed:

(1) forty-one and sixty-seven hundredths cents (\$0.4167) on each one hundred dollars (\$100) of assessed valuation in territory outside the corporate limits of a city or town; or

(2) sixty-six and sixty-seven hundredths cents (\$0.6667) on each one hundred dollars (\$100) of assessed valuation in territory inside the corporate limits of a city or town.

(b) The proper officers of a political subdivision shall fix tax rates which are sufficient to provide funds for the purposes itemized in this subsection. The portion of a tax rate fixed by a political subdivision shall not be considered in computing the tax rate limits prescribed in subsection (a) if that portion is to be used for one (1) of the following purposes:

(1) To pay the principal or interest on a funding, refunding, or judgment funding obligation of the political subdivision.

(2) To pay the principal or interest on an outstanding obligation issued by the political subdivision if notice of the sale of the obligation was published before March 9, 1937.

(3) To pay the principal or interest upon:

(A) an obligation issued by the political subdivision to meet an emergency which results from a flood, fire, pestilence, war, or any other major disaster; or

(B) a note issued under IC 36-2-6-18, IC 36-3-4-22, IC 36-4-6-20, or IC 36-5-2-11 to enable a city, town, or county to acquire necessary equipment or facilities for municipal or county government.

(4) To pay the principal or interest upon an obligation issued in the manner provided in:

(A) IC 6-1.1-20-3 (before its repeal) or IC 6-1.1-20-3.1 through IC 6-1.1-20-3.2; or

(B) **IC 6-1.1-20-3.5 through IC 6-1.1-20-3.6.**

(5) To pay a judgment rendered against the political subdivision.

~~(6) To meet the requirements of the family and children's fund for~~



1 child services (as defined in IC 12-19-7-1).

2 (7) (6) To meet the requirements of the county hospital care for
3 the indigent fund.

4 (8) To meet the requirements of the children's psychiatric
5 residential treatment services fund for children's psychiatric
6 residential treatment services (as defined in IC 12-19-7.5-1).

7 (c) Except as otherwise provided in IC 6-1.1-19, IC 6-1.1-18.5,
8 IC 20-45, or IC 20-46, a county board of tax adjustment (before
9 January 1, 2009) ~~or a county board of tax and capital projects review~~
10 ~~(after December 31, 2008) a county auditor, or the department of local~~
11 ~~government finance~~ may review the portion of a tax rate described in
12 subsection (b) only to determine if it exceeds the portion actually
13 needed to provide for one (1) of the purposes itemized in that
14 subsection.

15 SECTION 118. IC 6-1.1-18-5 IS AMENDED TO READ AS
16 FOLLOWS [EFFECTIVE JANUARY 1, 2009]: Sec. 5. (a) If the proper
17 officers of a political subdivision desire to appropriate more money for
18 a particular year than the amount prescribed in the budget for that year
19 as finally determined under this article, they shall give notice of their
20 proposed additional appropriation. The notice shall state the time and
21 place at which a public hearing will be held on the proposal. The notice
22 shall be given once in accordance with IC 5-3-1-2(b).

23 (b) If the additional appropriation by the political subdivision is
24 made from a fund that receives:

25 (1) distributions from the motor vehicle highway account
26 established under IC 8-14-1-1 or the local road and street account
27 established under IC 8-14-2-4; or

28 (2) revenue from property taxes levied under IC 6-1.1;

29 the political subdivision must report the additional appropriation to the
30 ~~department of local government finance; county board of tax and~~
31 **capital projects review**. If the additional appropriation is made from
32 a fund described under this subsection, subsections (f), (g), (h), and (i)
33 apply to the political subdivision.

34 (c) However, if the additional appropriation is not made from a fund
35 described under subsection (b), subsections (f), (g), (h), and (i) do not
36 apply to the political subdivision. Subsections (f), (g), (h), and (i) do
37 not apply to an additional appropriation made from the cumulative
38 bridge fund if the appropriation meets the requirements under
39 IC 8-16-3-3(c).

40 (d) A political subdivision may make an additional appropriation
41 without approval of the ~~department of local government finance~~ **county**
42 **board of tax and capital projects review** if the additional



1 appropriation is made from a fund that is not described under
 2 subsection (b). However, the fiscal officer of the political subdivision
 3 shall report the additional appropriation to the ~~department of local~~
 4 ~~government finance~~ **county board of tax and capital projects**
 5 **review**.

6 (e) After the public hearing, the proper officers of the political
 7 subdivision shall file a certified copy of their final proposal and any
 8 other relevant information to the ~~department of local government~~
 9 ~~finance~~ **county board of tax and capital projects review**.

10 (f) When the ~~department of local government finance~~ **county board**
 11 **of tax and capital projects review** receives a certified copy of a
 12 proposal for an additional appropriation under subsection (e), the
 13 department shall determine whether sufficient funds are available or
 14 will be available for the proposal. The determination shall be made in
 15 writing and sent to the political subdivision not more than fifteen (15)
 16 days after the ~~department of local government finance~~ **county board**
 17 **of tax and capital projects review** receives the proposal.

18 (g) In making the determination under subsection (f), the
 19 ~~department of local government finance~~ **county board of tax and**
 20 **capital projects review** shall limit the amount of the additional
 21 appropriation to revenues available, or to be made available, which
 22 have not been previously appropriated.

23 (h) If the ~~department of local government finance~~ **county board of**
 24 **tax and capital projects review** disapproves an additional
 25 appropriation under subsection (f), the ~~department~~ **county board of**
 26 **tax and capital projects review** shall specify the reason for its
 27 disapproval on the determination sent to the political subdivision. **The**
 28 **determination of the county board is final.**

29 (i) A political subdivision may request a reconsideration of a
 30 determination of the ~~department of local government finance~~ **county**
 31 **board of tax and capital projects review** under this section by filing
 32 a written request for reconsideration. A request for reconsideration
 33 must:

34 (1) be filed with the department of local government finance
 35 within fifteen (15) days of the receipt of the determination by the
 36 political subdivision; and

37 (2) state with reasonable specificity the reason for the request.
 38 The department of local government finance must act on a request for
 39 reconsideration within fifteen (15) days of receiving the request. **in the**
 40 **manner specified by the county board.**

41 SECTION 119. IC 6-1.1-18.5-1, AS AMENDED BY P.L.154-2006,
 42 SECTION 46, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE



JANUARY 1, 2009]: Sec. 1. As used in this chapter:

"Ad valorem property tax levy for an ensuing calendar year" means the total property taxes imposed by a ~~civil~~ taxing unit for current property taxes collectible in that ensuing calendar year.

"Adopting county" means any county in which the county adjusted gross income tax is in effect.

"Civil taxing unit" means any taxing unit except a school corporation.

"Maximum permissible ad valorem property tax levy for the preceding calendar year" means the greater of:

(1) the remainder of:

(A) the ~~civil~~ taxing unit's maximum permissible ad valorem property tax levy for the calendar year immediately preceding the ensuing calendar year, as that levy was determined under section 3 of this chapter; minus

(B) one-half (1/2) of the remainder of:

(i) the ~~civil~~ taxing unit's maximum permissible ad valorem property tax levy referred to in clause (A); minus

(ii) the ~~civil~~ taxing unit's ad valorem property tax levy for the calendar year immediately preceding the ensuing calendar year referred to in subdivision (2); or

(2) the ~~civil~~ taxing unit's ad valorem property tax levy for the calendar year immediately preceding the ensuing calendar year, as that levy was determined by the department of local government finance **(before January 1, 2009) or the county board of tax and capital projects review (after December 31, 2008)** in fixing the ~~civil~~ taxing unit's budget, levy, and rate for that preceding calendar year under IC 6-1.1-17, ~~and~~ after:

(A) eliminating the effects of temporary excessive levy appeals and temporary adjustments; and

(B) including all increases approved at a referendum conducted under IC 6-1.1-17-22;

made to the ~~working~~ maximum levy for the calendar year immediately preceding the ensuing calendar year, as determined by the ~~department of local government finance~~ **county board of tax and capital projects review (after December 31, 2008)**.

"Taxable property" means all tangible property that is subject to the tax imposed by this article and is not exempt from the tax under IC 6-1.1-10 or any other law. For purposes of sections 2 and 3 of this chapter, the term "taxable property" is further defined in section 6 of this chapter.

"Unadjusted assessed value" means the assessed value of a ~~civil~~



1 taxing unit as determined by local assessing officials and the
 2 department of local government finance in a particular calendar year
 3 before the application of an annual adjustment under IC 6-1.1-4-4.5 for
 4 that particular calendar year or any calendar year since the last general
 5 reassessment preceding the particular calendar year.

6 SECTION 120. IC 6-1.1-18.5-2, AS AMENDED BY P.L.224-2007,
 7 SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 8 JANUARY 1, 2009]: Sec. 2. (a) As used in this section, "~~Indiana~~
 9 ~~nonfarm~~ "county personal income" means the estimate of total
 10 ~~nonfarm~~ personal income for ~~Indiana~~ **the county in which a taxing**
 11 **unit is located** in a calendar year as computed by the federal Bureau
 12 of Economic Analysis. ~~using any actual data for the calendar year and~~
 13 ~~any estimated data determined appropriate by the federal Bureau of~~
 14 ~~Economic Analysis; using any actual data for the calendar year and any~~
 15 ~~estimated data determined appropriate by the federal Bureau of~~
 16 ~~Economic Analysis.~~

17 (b) Subject to subsection (c), for purposes of ~~determining a civil~~
 18 ~~taxing unit's maximum permissible ad valorem property tax levy for an~~
 19 ~~ensuing calendar year, the civil taxing unit shall use the assessed value~~
 20 ~~growth quotient applicable to a county and the taxing units in the~~
 21 **county is the amount** determined in ~~the last~~ **STEP THREE** of the
 22 following ~~STEPS:~~ **formula:**

23 STEP ONE: For each of the **most recent** six (6) calendar years
 24 **for which data is available** immediately preceding the year in
 25 which a budget is adopted under IC 6-1.1-17-5 for the ensuing
 26 calendar year, divide the ~~Indiana nonfarm county~~ personal
 27 income for the calendar year by the ~~Indiana nonfarm county~~
 28 personal income for the calendar year immediately preceding that
 29 calendar year, rounding to the nearest one-thousandth (0.001).

30 STEP TWO: Determine the sum of the STEP ONE results.

31 STEP THREE: Divide the STEP TWO result by six (6), rounding
 32 to the nearest one-thousandth (0.001).

33 ~~STEP FOUR: Determine the lesser of the following:~~

34 (A) ~~The STEP THREE quotient;~~

35 (B) ~~One and six-hundredths (1.06);~~

36 (c) ~~This subsection applies only to civil taxing units in Lake County.~~
 37 ~~Notwithstanding any other provision, for property taxes first due and~~
 38 ~~payable after December 31, 2007, the assessed value~~ **As used in this**
 39 **subsection, "Lake County" means all taxing units located in Lake**
 40 **County. If a taxing unit is located in Lake County and one (1) or**
 41 **more additional counties, the taxing unit is considered to be located**
 42 **in Lake County if Lake County contains the largest portion of the**



1 value of property taxable by the taxing unit, as determined from
 2 the abstracts of taxable values last filed with the auditor of state.
 3 The growth quotient used to determine a civil taxing unit's maximum
 4 permissible ad valorem property tax levy under this chapter for a
 5 particular calendar year for an ensuing year for Lake County and the
 6 taxing units in Lake County is zero (0) unless a tax rate of one
 7 percent (1%) will be in effect under ~~IC 6-3.5-1.1-26~~ IC 6-3.5-1.1-24 or
 8 ~~IC 6-3.5-6-32~~ IC 6-3.5-6-30 in Lake County for that calendar year.

9 (d) Subject to subsection (f), the maximum permissible amount
 10 that may be levied and spent in a county in the ensuing year by all
 11 taxing units in the county from:

12 (1) property tax levies subject to the maximum permissible ad
 13 valorem property tax levy limit under section 3 of this
 14 chapter; and

15 (2) general revenues described in section 7.5 of this chapter;
 16 is equal to the product of the maximum permissible amount for the
 17 county for the immediately preceding calendar year, as determined
 18 by the county board of tax and capital projects review, multiplied
 19 by the county's growth quotient for the ensuing year. However, any
 20 increase in the maximum permissible amount of any taxing unit in
 21 the county that is initially approved for the ensuing year in a
 22 referendum under IC 6-1.1-17-22 is added to the county's
 23 maximum permissible amount.

24 (e) Subject to subsection (f), the maximum permissible amount
 25 that may be levied and spent by an individual taxing unit in the
 26 ensuing year from:

27 (1) property tax levies subject to the maximum permissible ad
 28 valorem property tax levy limit under section 3 of this
 29 chapter; and

30 (2) general revenues described in section 7.5 of this chapter;
 31 is equal to the lesser of the taxing unit's allocation of the amount
 32 determined under subsection (d) for the county in which the taxing
 33 unit is located, as determined by the county board of tax and
 34 project review, or the product of the maximum permissible amount
 35 for the taxing unit for the immediately preceding calendar year, as
 36 determined by the county board of tax and capital projects review,
 37 multiplied by the growth quotient for the ensuing year for the
 38 county in which the taxing unit is located. However, any increase
 39 in the maximum permissible amount of the taxing unit in the
 40 county that is initially approved for the ensuing year in a
 41 referendum under IC 6-1.1-17-22 is added to the taxing unit's
 42 maximum permissible amount.



(f) If a county or taxing unit does not have a maximum permissible amount for the immediately preceding year, the county board of tax and capital projects review shall calculate an amount to be used as the maximum permissible amount for the immediately preceding year using the best information available to the county board of tax and capital projects review. For purposes of determining the maximum permissible ad valorem property tax levy for the county and each taxing unit in the county, the county board of tax and capital projects review for a county that received a certified distribution under IC 6-3.5-1.1 in 2009 shall adjust the maximum permissible ad valorem property tax levy amount of each taxing unit in the county to reflect the amount of property tax replacement credits and certified shares used to reduce the ad valorem property tax levies in the county in 2009. The adjustment shall be made so maximum permissible ad valorem property tax levies for a preceding year are determined in the same manner in counties adopting the county adjusted income tax as in counties that have not adopted the county adjusted gross income tax.

SECTION 121. IC 6-1.1-18.5-3, AS AMENDED BY P.L.224-2007, SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2009]: Sec. 3. ~~(a)~~ Except as otherwise provided in this chapter and IC 6-3.5-8-12, a civil taxing unit that is treated as not being located in an adopting county under section 4 of this chapter may not impose an ad valorem property tax levy for an ensuing calendar year that exceeds the maximum permissible ad valorem property tax levy determined for the taxing unit for the immediately preceding calendar year multiplied by the growth quotient for the ensuing calendar year. the amount determined in the last STEP of the following STEPS:

STEP ONE: Add the civil taxing unit's maximum permissible ad valorem property tax levy for the preceding calendar year to the part of the civil taxing unit's certified share, if any, that was used to reduce the civil taxing unit's ad valorem property tax levy under STEP EIGHT of subsection (b) for that preceding calendar year. STEP TWO: Multiply the amount determined in STEP ONE by the amount determined in the last STEP of section 2(b) of this chapter.

STEP THREE: Determine the lesser of one and fifteen hundredths (1.15) or the quotient (rounded to the nearest ten-thousandth (0.0001)); of the assessed value of all taxable property subject to the civil taxing unit's ad valorem property tax levy for the ensuing calendar year, divided by the assessed value of all taxable



property that is subject to the civil taxing unit's ad valorem property tax levy for the ensuing calendar year and that is contained within the geographic area that was subject to the civil taxing unit's ad valorem property tax levy in the preceding calendar year.

STEP FOUR: Determine the greater of the amount determined in STEP THREE or one (1).

STEP FIVE: Multiply the amount determined in STEP TWO by the amount determined in STEP FOUR.

STEP SIX: Add the amount determined under STEP TWO to the amount determined under subsection (c).

STEP SEVEN: Determine the greater of the amount determined under STEP FIVE or the amount determined under STEP SIX.

(b) Except as otherwise provided in this chapter and IC 6-3.5-8-12, a civil taxing unit that is treated as being located in an adopting county under section 4 of this chapter may not impose an ad valorem property tax levy for an ensuing calendar year that exceeds the amount determined in the last STEP of the following STEPS:

STEP ONE: Add the civil taxing unit's maximum permissible ad valorem property tax levy for the preceding calendar year to the part of the civil taxing unit's certified share, if any, used to reduce the civil taxing unit's ad valorem property tax levy under STEP EIGHT of this subsection for that preceding calendar year.

STEP TWO: Multiply the amount determined in STEP ONE by the amount determined in the last STEP of section 2(b) of this chapter.

STEP THREE: Determine the lesser of one and fifteen hundredths (1.15) or the quotient of the assessed value of all taxable property subject to the civil taxing unit's ad valorem property tax levy for the ensuing calendar year divided by the assessed value of all taxable property that is subject to the civil taxing unit's ad valorem property tax levy for the ensuing calendar year and that is contained within the geographic area that was subject to the civil taxing unit's ad valorem property tax levy in the preceding calendar year.

STEP FOUR: Determine the greater of the amount determined in STEP THREE or one (1).

STEP FIVE: Multiply the amount determined in STEP TWO by the amount determined in STEP FOUR.

STEP SIX: Add the amount determined under STEP TWO to the amount determined under subsection (c).

STEP SEVEN: Determine the greater of the amount determined



under STEP FIVE or the amount determined under STEP SIX.
 STEP EIGHT: Subtract the amount determined under STEP FIVE
 of subsection (e) from the amount determined under STEP
 SEVEN of this subsection.

(c) If a civil taxing unit in the immediately preceding calendar year
 provided an area outside its boundaries with services on a contractual
 basis and in the ensuing calendar year that area has been annexed by
 the civil taxing unit, the amount to be entered under STEP SIX of
 subsection (a) or STEP SIX of subsection (b), as the case may be,
 equals the amount paid by the annexed area during the immediately
 preceding calendar year for services that the civil taxing unit must
 provide to that area during the ensuing calendar year as a result of the
 annexation. In all other cases, the amount to be entered under STEP
 SIX of subsection (a) or STEP SIX of subsection (b), as the case may
 be, equals zero (0).

(d) This subsection applies only to civil taxing units located in a
 county having a county adjusted gross income tax rate for resident
 county taxpayers (as defined in IC 6-3.5-1.1-1) of one percent (1%) as
 of January 1 of the ensuing calendar year. For each civil taxing unit, the
 amount to be added to the amount determined in subsection (c), STEP
 FOUR, is determined using the following formula:

STEP ONE: Multiply the civil taxing unit's maximum permissible
 ad valorem property tax levy for the preceding calendar year by
 two percent (2%).

STEP TWO: For the determination year, the amount to be used as
 the STEP TWO amount is the amount determined in subsection
 (f) for the civil taxing unit. For each year following the
 determination year the STEP TWO amount is the lesser of:

- (A) the amount determined in STEP ONE; or
- (B) the amount determined in subsection (f) for the civil taxing
 unit.

STEP THREE: Determine the greater of:

- (A) zero (0); or
- (B) the civil taxing unit's certified share for the ensuing
 calendar year minus the greater of:
 - (i) the civil taxing unit's certified share for the calendar year
 that immediately precedes the ensuing calendar year; or
 - (ii) the civil taxing unit's base year certified share.

STEP FOUR: Determine the greater of:

- (A) zero (0); or
- (B) the amount determined in STEP TWO minus the amount
 determined in STEP THREE.



1 Add the amount determined in STEP FOUR to the amount determined
 2 in subsection (e); STEP THREE, as provided in subsection (e); STEP
 3 FOUR:

4 (e) For each civil taxing unit, the amount to be subtracted under
 5 subsection (b); STEP EIGHT, is determined using the following
 6 formula:

7 STEP ONE: Determine the lesser of the civil taxing unit's base
 8 year certified share for the ensuing calendar year, as determined
 9 under section 5 of this chapter, or the civil taxing unit's certified
 10 share for the ensuing calendar year.

11 STEP TWO: Determine the greater of:

12 (A) zero (0); or

13 (B) the remainder of:

14 (i) the amount of federal revenue sharing money that was
 15 received by the civil taxing unit in 1985; minus

16 (ii) the amount of federal revenue sharing money that will be
 17 received by the civil taxing unit in the year preceding the
 18 ensuing calendar year.

19 STEP THREE: Determine the lesser of:

20 (A) the amount determined in STEP TWO; or

21 (B) the amount determined in subsection (f) for the civil taxing
 22 unit.

23 STEP FOUR: Add the amount determined in subsection (d);
 24 STEP FOUR, to the amount determined in STEP THREE.

25 STEP FIVE: Subtract the amount determined in STEP FOUR
 26 from the amount determined in STEP ONE.

27 (f) As used in this section, a taxing unit's "determination year"
 28 means the latest of:

29 (1) calendar year 1987, if the taxing unit is treated as being
 30 located in an adopting county for calendar year 1987 under
 31 section 4 of this chapter;

32 (2) the taxing unit's base year, as defined in section 5 of this
 33 chapter, if the taxing unit is treated as not being located in an
 34 adopting county for calendar year 1987 under section 4 of this
 35 chapter; or

36 (3) the ensuing calendar year following the first year that the
 37 taxing unit is located in a county that has a county adjusted gross
 38 income tax rate of more than one-half percent (0.5%) on July 1 of
 39 that year.

40 The amount to be used in subsections (d) and (e) for a taxing unit
 41 depends upon the taxing unit's certified share for the ensuing calendar
 42 year, the taxing unit's determination year, and the county adjusted gross



income tax rate for resident county taxpayers (as defined in IC 6-3.5-1.1-1) that is in effect in the taxing unit's county on July 1 of the year preceding the ensuing calendar year. For the determination year and the ensuing calendar years following the taxing unit's determination year, the amount is the taxing unit's certified share for the ensuing calendar year multiplied by the appropriate factor prescribed in the following table:

COUNTIES WITH A TAX RATE OF $1/2\%$

		Subsection (e)
Year		Factor
For the determination year and each ensuing calendar year following the determination year	0	

COUNTIES WITH A TAX RATE OF $3/4\%$

		Subsection (e)
Year		Factor
For the determination year and each ensuing calendar year following the determination year	$1/2$	

COUNTIES WITH A TAX RATE OF 1.0%

		Subsection (d)	Subsection (e)
Year		Factor	Factor
For the determination year	$1/6$		$1/3$
For the ensuing calendar year following the determination year	$1/4$		$1/3$
For the ensuing calendar year following the determination year by two (2) years	$1/3$		$1/3$

(g) This subsection applies only to property taxes first due and payable after December 31, 2007. This subsection applies only to a civil taxing unit that is located in a county for which a county adjusted gross income tax rate is first imposed or is increased in a particular year under IC 6-3.5-1.1-24 or a county option income tax rate is first imposed or is increased in a particular year under IC 6-3.5-6-30. Notwithstanding any provision in this section or any other section of this chapter and except as provided in subsection (h), the maximum permissible ad valorem property tax levy calculated under this section for the ensuing calendar year for a civil taxing unit subject to this section is equal to the civil taxing unit's maximum permissible ad valorem property tax levy for the current calendar year.

(h) This subsection applies only to property taxes first due and payable after December 31, 2007. In the case of a civil taxing unit that:

(1) is partially located in a county for which a county adjusted gross income tax rate is first imposed or is increased in a



particular year under IC 6-3.5-1.1-24 or a county option income tax rate is first imposed or is increased in a particular year under IC 6-3.5-6-30; and

(2) is partially located in a county that is not described in subdivision (1);

the department of local government finance shall, notwithstanding subsection (g), adjust the portion of the civil taxing unit's maximum permissible ad valorem property tax levy that is attributable (as determined by the department of local government finance) to the county or counties described in subdivision (2). The department of local government finance shall adjust this portion of the civil taxing unit's maximum permissible ad valorem property tax levy so that, notwithstanding subsection (g), this portion is allowed to increase as otherwise provided in this section. If the department of local government finance increases the civil taxing unit's maximum permissible ad valorem property tax levy under this subsection, any additional property taxes imposed by the civil taxing unit under the adjustment shall be paid only by the taxpayers in the county or counties described in subdivision (2).

SECTION 122. IC 6-1.1-18.5-7.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2009]: **Sec. 7.5. (a) The county maximum permissible ad valorem property tax limit under section 3 of this chapter does not apply to levies for and expenditures from cumulative funds.**

(b) The following are subject to the county and taxing unit general revenue limits in section 2 of this chapter:

(1) Certified shares distributed to a taxing unit under IC 6-3.5-1.1, other than the part of the shares used for property tax replacement credits or homestead credits.

(2) Certified distributions under IC 6-3.5-6 or IC 6-3.5-7, other than the part of a distribution used for property tax replacement credits or homestead credits.

(3) Any other revenue of a taxing unit, except revenues described in section 7.8 of this chapter.

SECTION 123. IC 6-1.1-18.5-7.8 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2009]: **Sec. 7.8. (a) The county maximum permissible amount limits and the taxing unit maximum permissible amount limits in section 2 of this chapter and the taxing unit maximum permissible ad valorem property tax levy limits in section 3 of this chapter do not apply to the following**



general revenues:

(1) Funds from dedicated revenue sources.

(2) Intergovernmental transfers.

(3) The proceeds of bonds approved in a referendum under IC 6-1.1-20 or IC 6-3.5-9.

(4) Referendum tax levies permitted under IC 20-46-1.

(b) Revenues described in subsection (a) may not be considered for any purpose under section 2 or 3 of this chapter.

SECTION 124. IC 6-1.1-18.5-8, AS AMENDED BY P.L.224-2007, SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2009]: Sec. 8. (a) The ad valorem property tax levy limits imposed by section 3 of this chapter do not apply to ad valorem property taxes imposed by a ~~civil~~ taxing unit if the ~~civil~~ taxing unit is committed to levy the taxes to pay or fund either:

(1) bonded indebtedness; or

(2) lease rentals under a lease with an original term of at least five (5) years.

(b) This subsection does not apply to bonded indebtedness incurred or leases executed for a capital project approved:

(1) by a county board of tax and capital projects review under IC 6-1.1-29.5 after December 31, 2008; or

(2) under a referendum initiated under IC 6-1.1-20-3.6.

A ~~civil~~ taxing unit must file a petition requesting approval from the department of local government finance to incur bonded indebtedness or execute a lease with an original term of at least five (5) years not later than twenty-four (24) months after the first date of publication of notice of a preliminary determination under IC 6-1.1-20-3.1(2), unless the ~~civil~~ taxing unit demonstrates that a longer period is reasonable in light of the ~~civil~~ taxing unit's facts and circumstances. A ~~civil~~ taxing unit must obtain approval from the department of local government finance before the ~~civil~~ taxing unit may:

(1) incur the bonded indebtedness; or

(2) enter into the lease.

Before January 1, 2009, the department of local government finance may seek recommendations from the local government tax control board established by section 11 of this chapter when determining whether to authorize incurring the bonded indebtedness or the execution of the lease.

(c) The department of local government finance shall render a decision within three (3) months after the date it receives a request for approval under subsection (b). However, the department of local government finance may extend this three (3) month period by an



1 additional three (3) months if, at least ten (10) days before the end of
 2 the original three (3) month period, the department sends notice of the
 3 extension to the executive officer of the ~~civil~~ taxing unit. A ~~civil~~ taxing
 4 unit may petition for judicial review of the final determination of the
 5 department of local government finance under this section. The petition
 6 must be filed in the tax court not more than forty-five (45) days after
 7 the department enters its order under this section.

8 (d) A ~~civil~~ taxing unit does not need approval under subsection (b)
 9 to obtain temporary loans made in anticipation of and to be paid from
 10 current revenues of the ~~civil~~ taxing unit actually levied and in the
 11 course of collection for the fiscal year in which the loans are made.

12 (e) For purposes of computing the ad valorem property tax levy
 13 limits imposed on a ~~civil~~ taxing unit by section 3 of this chapter, the
 14 civil taxing unit's ad valorem property tax levy for a calendar year does
 15 not include that part of its levy that is committed to fund or pay bond
 16 indebtedness or lease rentals with an original term of five (5) years in
 17 subsection (a).

18 (f) A taxpayer may petition for judicial review of the final
 19 determination of the department of local government finance under this
 20 section. The petition must be filed in the tax court not more than thirty
 21 (30) days after the department enters its order under this section.

22 SECTION 125. IC 6-1.1-18.5-14, AS AMENDED BY
 23 P.L.224-2007, SECTION 28, IS AMENDED TO READ AS
 24 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 14. (a) The ~~local~~
 25 ~~government tax control board (before January 1, 2009) or the county~~
 26 ~~board of tax and capital projects review (after December 31, 2008) may~~
 27 ~~recommend to the department of local government finance a correction~~
 28 ~~of correct~~ any advertising error, mathematical error, or error in data
 29 ~~made at the local level~~ for any calendar year that affects the
 30 determination of the limitations established by section 3 of this chapter
 31 or the tax rate or levy of a ~~civil~~ taxing unit. ~~The department of local~~
 32 ~~government finance may on its own initiative correct such an~~
 33 ~~advertising error, mathematical error, or error in data for any civil~~
 34 ~~taxing unit.~~

35 (b) A correction made under subsection (a) for a prior calendar year
 36 shall be applied to the ~~civil~~ taxing unit's levy limitations, rate, and levy
 37 for the ensuing calendar year to offset any cumulative effect that the
 38 error caused in the determination of the ~~civil~~ taxing unit's levy
 39 limitations, rate, or levy for the ensuing calendar year.

40 SECTION 126. IC 6-1.1-18.5-17, AS AMENDED BY
 41 P.L.219-2007, SECTION 57, IS AMENDED TO READ AS
 42 FOLLOWS [EFFECTIVE JANUARY 1, 2009]: Sec. 17. (a) As used



in this section, "levy excess" means the part of the ad valorem property tax levy actually collected by a ~~civil~~ taxing unit, for taxes first due and payable during a particular calendar year, that exceeds the ~~civil~~ taxing unit's ad valorem property tax levy, as approved by the ~~department of local government finance~~ **county board of tax and capital projects review** under IC 6-1.1-17. The term does not include delinquent ad valorem property taxes collected during a particular year that were assessed for an assessment date that precedes the assessment date for the current year in which the ad valorem property taxes are collected.

(b) A ~~civil~~ taxing unit's levy excess is valid and may not be contested on the grounds that it exceeds the ~~civil~~ taxing unit's levy limit for the applicable calendar year. However, the ~~civil~~ taxing unit shall deposit, except as provided in subsections (h) and (i), its levy excess in a special fund to be known as the ~~civil~~ taxing unit's levy excess fund.

(c) The chief fiscal officer of a ~~civil~~ taxing unit may invest money in the ~~civil~~ taxing unit's levy excess fund in the same manner in which money in the ~~civil~~ taxing unit's general fund may be invested. However, any income derived from investment of the money shall be deposited in and becomes a part of the levy excess fund.

(d) The ~~department of local government finance~~ **county board of tax and capital projects review** shall require a ~~civil~~ taxing unit to include the amount in its levy excess fund in the ~~civil~~ taxing unit's budget fixed under IC 6-1.1-17.

(e) Except as provided by subsection (f), a ~~civil~~ taxing unit may not spend any money in its levy excess fund until the expenditure of the money has been included in a budget that has been approved by the ~~department of local government finance~~ **county board of tax and capital projects review** under IC 6-1.1-17. For purposes of fixing its budget and for purposes of the ad valorem property tax levy limits imposed under this chapter, a ~~civil~~ taxing unit shall treat the money in its levy excess fund that the ~~department of local government finance~~ **county board of tax and capital projects review** permits it to spend during a particular calendar year as part of its ad valorem property tax levy for that same calendar year.

(f) A ~~civil~~ taxing unit may transfer money from its levy excess fund to its other funds to reimburse those funds for amounts withheld from the ~~civil~~ taxing unit as a result of refunds paid under IC 6-1.1-26.

(g) Subject to the limitations imposed by this section, a ~~civil~~ taxing unit may use money in its levy excess fund for any lawful purpose for which money in any of its other funds may be used.

(h) If the amount that would, notwithstanding this subsection, be deposited in the levy excess fund of a ~~civil~~ taxing unit for a particular



1 calendar year is less than one hundred dollars (\$100), no money shall
2 be deposited in the levy excess fund of the unit for that year.

3 (i) This subsection applies only to a ~~civil~~ taxing unit that:

4 (1) has a levy excess for a particular calendar year;

5 (2) in the preceding calendar year experienced a shortfall in
6 property tax collections below the ~~civil~~ taxing unit's property tax
7 levy approved by the department of local government finance
8 under IC 6-1.1-17; and

9 (3) did not receive permission from the ~~local government tax~~
10 ~~control board~~ **county board of tax and capital projects review**
11 to impose, because of the shortfall in property tax collections in
12 the preceding calendar year, a property tax levy that exceeds the
13 limits imposed by section 3 of this chapter.

14 The amount that a civil taxing unit subject to this subsection must
15 transfer to the civil taxing unit's levy excess fund in the calendar year
16 in which the excess is collected shall be reduced by the amount of the
17 civil taxing unit's shortfall in property tax collections in the preceding
18 calendar year (but the reduction may not exceed the amount of the civil
19 taxing unit's levy excess).

20 SECTION 127. IC 6-1.1-20-3.5 IS ADDED TO THE INDIANA
21 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
22 [EFFECTIVE JANUARY 1, 2009]: **Sec. 3.5. (a) This section applies**
23 **only to a controlled project for which a preliminary determination**
24 **to issue bonds or enter into a lease, or to pledge ad valorem**
25 **property taxes to the payment of debt service or lease rentals, is**
26 **made after June 30, 2008, that:**

27 (1) has been approved by the county board of tax and capital
28 projects review under IC 6-1.1-29.5-16; and

29 (2) will cost the political subdivision an amount equal to at
30 least the lesser of:

31 (A) one percent (1%) of the political subdivision's net
32 assessed value, as last assessed; or

33 (B) ten million dollars (\$10,000,000).

34 (b) A political subdivision may not impose property taxes to pay
35 debt service or lease rentals without completing the following
36 procedures:

37 (1) The proper officers of a political subdivision shall:

38 (A) publish notice in accordance with IC 5-3-1; and

39 (B) send notice by first class mail to any organization that
40 delivers to the officers, before January 1 of that year, an
41 annual written request for notices;

42 of any meeting to consider the adoption of an ordinance or a



1 resolution making a determination to issue bonds or enter into
2 a lease.

3 (2) Whenever the proper officers of a political subdivision
4 make a determination to issue bonds or enter into a lease, the
5 officers shall give notice of the determination by:

6 (A) publication in accordance with IC 5-3-1;

7 (B) first class mail to the:

8 (i) organizations described in subdivision (1)(B); and

9 (ii) county board of tax and capital projects review.

10 (3) A notice under subdivision (2) of the determination of the
11 political subdivision to issue bonds or enter into a lease must
12 include the following information:

13 (A) The maximum term of the bonds or lease.

14 (B) The maximum principal amount of the bonds or the
15 maximum lease rental for the lease.

16 (C) The estimated interest rates that will be paid and the
17 total interest costs associated with the bonds or lease.

18 (D) The estimated tax rate impact of the debt service or
19 lease rental payments.

20 (E) The purpose of the bonds or lease.

21 (F) A statement that the proposed:

22 (i) issuance of the bonds; or

23 (ii) execution of the lease;

24 must be approved in an election on a local public question
25 held under section 3.6 of this chapter.

26 (c) The county board of tax and capital projects review shall
27 meet within five (5) days after receiving the notice described in
28 subsection (b) to determine whether the referendum should be held
29 at a special election. If the county board of tax and capital projects
30 review determines that the referendum should be held at a special
31 election, it shall set a date for the special election and notify the
32 county election board of its determination not later than seven (7)
33 days after the county board of tax and capital projects review
34 makes the determination. The county board of tax and capital
35 projects review shall notify the county election board if a special
36 election is not required.

37 (d) A political subdivision may not artificially divide a
38 controlled project to avoid the application of this chapter.

39 SECTION 128. IC 6-1.1-20-3.6 IS ADDED TO THE INDIANA
40 CODE AS A NEW SECTION TO READ AS FOLLOWS
41 [EFFECTIVE JANUARY 1, 2009]: Sec. 3.6. (a) This section applies
42 only to a controlled project described under section 3.5(a) of this



chapter.

(b) A political subdivision may not impose property taxes to pay debt service or lease rentals unless the political subdivision's proposed bond issue or lease is approved in an election on a local public question held under this section.

(c) The following question shall be submitted to the voters at the election conducted under this section:

"Shall _____ (insert the name of the political subdivision) issue bonds or enter into a lease for a term of _____ years to finance _____ (insert a description of the controlled project) with an estimated property tax rate impact of _____ (insert tax rate impact)?"

(d) The county auditor shall certify the public question described in subsection (c) under IC 3-10-9-3 to the county election board of each county in which the political subdivision is located. After the public question is certified, the public question shall be placed on the ballot at:

(1) a special election on the date set by the county board of tax and capital projects review, at which all voters of the political subdivision are entitled to vote; or

(2) the next election in which all voters of the political subdivision are entitled to vote, if the county board of tax and capital projects review has not set a date for a special election, except in a year in which there is no election, in which case the county election board shall call a special election for the referendum.

(e) The circuit court clerk shall certify the results of the public question to the following:

(1) The executive and fiscal body of the political subdivision for which the referendum was held.

(2) The county auditor of each county in which the political subdivision is located.

(3) The county board of tax and capital projects review.

(f) If a majority of the voters voting on the public question vote in favor of the public question, the county board of tax and capital projects review shall take prompt and appropriate steps to notify the political subdivision that the political subdivision may issue the proposed bonds or enter into the proposed lease rental.

(g) If less than a majority of the voters voting on the public question vote in favor of the public question, both of the following apply:

(1) The political subdivision may not issue the proposed bonds



1 **or enter into the proposed lease rental.**

2 **(2) Another public question under this section on the same or**
 3 **a substantially similar project may not be submitted to the**
 4 **voters earlier than one (1) year after the date of the election**
 5 **held under this section.**

6 **(h) IC 3, to the extent not inconsistent with this section, applies**
 7 **to an election held under this section.**

8 SECTION 129. IC 6-1.1-20-10, AS AMENDED BY P.L.162-2006,
 9 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 10 JULY 1, 2008]: Sec. 10. (a) This section applies to a political
 11 subdivision that adopts an ordinance or a resolution making a
 12 preliminary determination to issue bonds or enter into a lease. During
 13 the period commencing with the adoption of the ordinance or
 14 resolution and, if a petition and remonstrance process is commenced
 15 under section 3.2 of this chapter, continuing through the sixty (60) day
 16 period commencing with the notice under section 3.2(1) of this chapter
 17 **or if a referendum process is begun under section 3.5 of this**
 18 **chapter continuing through the date on which the referendum is**
 19 **conducted**, the political subdivision seeking to issue bonds or enter
 20 into a lease for the proposed controlled project may not promote a
 21 position on the petition or remonstrance **or the referendum** by doing
 22 any of the following:

23 (1) Allowing facilities or equipment, including mail and
 24 messaging systems, owned by the political subdivision to be used
 25 for public relations purposes to promote a position on the:

26 **(A) petition or remonstrance; or**

27 **(B) referendum;**

28 unless equal access to the facilities or equipment is given to
 29 persons with a position opposite to that of the political
 30 subdivision.

31 (2) Making an expenditure of money from a fund controlled by
 32 the political subdivision to promote a position on the:

33 **(A) petition or remonstrance or to pay for the gathering of**
 34 **signatures on a petition or remonstrance; or**

35 **(B) referendum.**

36 This subdivision does not prohibit a political subdivision from
 37 making an expenditure of money to an attorney, an architect, a
 38 construction manager, or a financial adviser for professional
 39 services provided with respect to a controlled project.

40 (3) Using an employee to promote a position on the petition or
 41 remonstrance **or referendum** during the employee's normal
 42 working hours or paid overtime, or otherwise compelling an



1 employee to promote a position on the petition or remonstrance
2 **or referendum** at any time.

3 (4) In the case of a school corporation, promoting a position on a
4 petition or remonstrance **or referendum** by:

5 (A) using students to transport written materials to their
6 residences or in any way directly involving students in a
7 school organized promotion of a position; or

8 (B) including a statement within another communication sent
9 to the students' residences.

10 However, this section does not prohibit an employee of the political
11 subdivision from carrying out duties with respect to a petition or
12 remonstrance **or referendum** that are part of the normal and regular
13 conduct of the employee's office or agency.

14 (b) A person may not solicit or collect signatures for a petition or
15 remonstrance on property owned or controlled by the political
16 subdivision.

17 (c) The staff and employees of a school corporation may not
18 personally identify a student as the child of a parent or guardian who
19 supports or opposes a petition or remonstrance **or referendum**.

20 (d) A person or an organization that has a contract or arrangement
21 (whether formal or informal) with a school corporation for the use of
22 any of the school corporation's facilities may not spend any money to
23 promote a position on the petition or remonstrance **or referendum**. A
24 person or an organization that violates this subsection commits a Class
25 A infraction.

26 (e) An attorney, an architect, a construction manager, or a financial
27 adviser for professional services provided with respect to a controlled
28 project may not spend any money to promote a position on the petition
29 or remonstrance **or referendum**. A person who violates this
30 subsection:

31 (1) commits a Class A infraction; and

32 (2) is barred from performing any services with respect to the
33 controlled project.

34 SECTION 130. IC 6-1.1-20.6-1, AS ADDED BY P.L.246-2005,
35 SECTION 62, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
36 JANUARY 1, 2009]: Sec. 1. As used in this chapter, "apartment
37 complex" means real property consisting of at least five (5) units that
38 are regularly used to rent or otherwise furnish residential
39 accommodations for periods of thirty (30) days or more **to individuals**
40 **for use as their principal place of residence**.

41 SECTION 131. IC 6-1.1-20.6-5, AS ADDED BY P.L.246-2005,
42 SECTION 62, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE



JANUARY 1, 2009]: Sec. 5. As used in this chapter, "residential rental property" means real property consisting of not more than (4) units that are regularly used to rent or otherwise furnish residential accommodations for periods of thirty (30) days or more **to individuals for use as their principal place of residence.**

SECTION 132. IC 6-1.1-20.6-6, AS AMENDED BY P.L.162-2006, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE DECEMBER 31, 2007 (RETROACTIVE)]: Sec. 6. (a) This section applies only to property taxes first due and payable before:

(1) January 1, 2007, in Lake County; and

(2) January 1, 2008, in a county other than Lake County.

(b) A county fiscal body:

(1) may adopt an ordinance to authorize the application of the credit under this chapter for one (1) or more calendar years to qualified residential property in the county; and

(2) must adopt an ordinance under subdivision (1) before July 1 of a calendar year to authorize the credit under this chapter for property taxes first due and payable in the immediately succeeding calendar year.

(c) An ordinance adopted under this section must specify the categories of residential property listed in section 4 of this chapter that are eligible for the credit provided under this chapter.

(d) This section expires January 1, 2008.

SECTION 133. IC 6-1.1-20.6-6.5, AS AMENDED BY P.L.224-2007, SECTION 37, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE FEBRUARY 29, 2008 (RETROACTIVE)]: Sec. 6.5. (a) This subsection applies only to property taxes first due and payable after December 31, 2006, and before January 1, 2008, attributable to qualified residential property located in Lake County. A person is entitled to a credit each calendar year under section 7(a) of this chapter against the person's property tax liability for property taxes first due and payable in that calendar year attributable to the person's qualified residential property. However, the county fiscal body may, by ordinance adopted before January 1, 2007, limit the application of the credit granted by this subsection to homesteads.

(b) This subsection applies only to property taxes first due and payable after December 31, 2007, and before January 1, ~~2010~~ **2009**. A person is entitled to a credit each calendar year under section 7(a) of this chapter against the person's property tax liability for property taxes first due and payable in that calendar year attributable to

~~(1) the person's qualified residential property, in the case of a calendar year before 2008; or~~



(2) the person's homestead (as defined in IC 6-1.1-20.9-1) property, in the case of a calendar year after 2007 and before ~~2010~~ **2009**.

(c) This subsection applies only to property taxes first due and payable after December 31, ~~2009~~ **2008**. A person is entitled to a credit each calendar year under section 7(b) of this chapter against the person's property tax liability for property taxes first due and payable in that calendar year attributable to the person's real property and personal property.

SECTION 134. IC 6-1.1-20.6-7, AS AMENDED BY P.L.224-2007, SECTION 38, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE FEBRUARY 29, 2008 (RETROACTIVE)]: Sec. 7. (a) In the case of a credit authorized under section 6 of this chapter or provided by section 6.5(a) or 6.5(b) of this chapter for property taxes first due and payable in a calendar year:

(1) a person is entitled to a credit against the person's property tax liability for property taxes first due and payable in that calendar year attributable to:

(A) the person's qualified residential property located in the county, in the case of a calendar year before 2008; or

(B) the person's homestead (as defined in IC 6-1.1-20.9-1) property located in the county, in the case of a calendar year after 2007 and before ~~2010~~ **2009**; and

(2) the amount of the credit is the amount by which the person's property tax liability attributable to:

(A) the person's qualified residential property, in the case of a calendar year before 2008; or

(B) the person's homestead property, in the case of a calendar year after 2007 and before ~~2010~~ **2009**;

for property taxes first due and payable in that calendar year exceeds two percent (2%) of the gross assessed value that is the basis for determination of property taxes on the qualified residential property (in the case of a calendar year before 2008) or the person's homestead property (in the case of a calendar year after 2007 and before ~~2010~~ **2009**) for property taxes first due and payable in that calendar year, as adjusted under subsection (c).

(b) In the case of a credit provided by section 6.5(c) of this chapter for property taxes first due and payable in a calendar year:

(1) a person is entitled to a credit against the person's property tax liability for property taxes first due and payable in that calendar year attributable to the person's real property and personal property located in the county; and



(2) the amount of the credit is equal to the following:

(A) In the case of property tax liability attributable to the person's homestead property, the amount of the credit is the amount by which the person's property tax liability attributable to the person's homestead property for property taxes first due and payable in that calendar year exceeds ~~two~~ **one** percent ~~(2%)~~ **(1%)** of the gross assessed value that is the basis for determination of property taxes on the homestead property for property taxes first due and payable in that calendar year. ~~as adjusted under subsection (c).~~

(B) In the case of property tax liability attributable to the person's qualified residential property other than homestead property, the amount of the credit is the amount by which the person's property tax liability attributable to the person's qualified residential property for property taxes first due and payable in that calendar year exceeds two percent (2%) of the gross assessed value that is the basis for determination of property taxes on the qualified residential property for property taxes first due and payable in that calendar year.

~~(B)~~ **(C)** In the case of property tax liability attributable to property other than homestead property **or qualified residential property**, the amount of the credit is the amount by which the person's property tax liability attributable to the person's real property (other than homestead **or qualified residential** property) and personal property for property taxes first due and payable in that calendar year exceeds three percent (3%) of the gross assessed value that is the basis for determination of property taxes on the real property (other than homestead property) and personal property for property taxes first due and payable in that calendar year. ~~as adjusted under subsection (c).~~

(c) This subsection applies to property taxes first due and payable after December 31, 2007, **and before January 1, 2009**. The amount of a credit to which a person is entitled under subsection (a) or (b) in a county shall be adjusted as determined in STEP FIVE of the following STEPS:

STEP ONE: Determine the total amount of the person's property tax liability described in subsection (a)(1) or (b)(1) (as applicable) that is for tuition support levy property taxes.

STEP TWO: Determine the total amount of the person's property tax liability described in subsection (a)(1) or (b)(1) (as



applicable).

STEP THREE: Determine the result of:

(A) the STEP TWO amount; minus

(B) the STEP ONE amount.

STEP FOUR: Determine the result of:

(A) the STEP THREE amount; divided by

(B) the STEP TWO amount.

STEP FIVE: Multiply the credit to which the person is entitled under subsection (a) or (b) by the STEP FOUR amount.

~~Notwithstanding any other provision of this chapter, a school corporation's tuition support property tax levy collections may not be reduced because of a credit under this chapter.~~

SECTION 135. IC 6-1.1-20.6-10 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: **Sec. 10. (a) As used in this section, "debt service obligations of a political subdivision" refers to:**

(1) the principal and interest payable during a calendar year on bonds; and

(2) lease rental payments payable during a calendar year on leases;

of a political subdivision payable from ad valorem property taxes.

(b) Political subdivisions are required by law to fully fund the payment of their debt obligations in an amount sufficient to pay any debt service or lease rentals on outstanding obligations, regardless of any reduction in property tax collections due to the application of tax credits granted under this chapter. Any reduction in collections must be applied to the other funds of the political subdivision after debt service or lease rentals have been fully funded.

(c) Upon the failure of a political subdivision to pay any of the political subdivision's debt service obligations during a calendar year when due, the treasurer of state, upon being notified of the failure by a claimant, shall pay the unpaid debt service obligations that are due from the funds of the state only to the extent of the amounts appropriated by the general assembly for the calendar year for distribution to the political subdivision from state funds, deducting the payment from the appropriated amounts. A deduction under this subsection must be made:

(1) first from property tax relief funds to the extent of the property tax relief funds; and

(2) second from any other funds of the political subdivision.

(d) This section shall be interpreted liberally so that the state



1 shall to the extent legally valid ensure that the debt service
 2 obligations of each political subdivision are paid when due.
 3 **However, this section does not create a debt of the state.**

4 SECTION 136. IC 6-1.1-20.9-3, AS AMENDED BY P.L.183-2007,
 5 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 6 UPON PASSAGE]: Sec. 3. (a) An individual who desires to claim the
 7 credit provided by section 2 of this chapter must file a certified
 8 statement in duplicate, on forms prescribed by the department of local
 9 government finance, with the auditor of the county in which the
 10 homestead is located. The statement shall include the parcel number or
 11 key number of the real estate and the name of the city, town, or
 12 township in which the real estate is located. With respect to real
 13 property, the statement must be filed during the twelve (12) months
 14 before June 11 of the year prior to the first year for which the person
 15 wishes to obtain the credit for the homestead. With respect to a mobile
 16 home that is not assessed as real property or a manufactured home that
 17 is not assessed as real property, the statement must be filed during the
 18 twelve (12) months before March 31 of the first year for which the
 19 individual wishes to obtain the credit. The statement may be filed in
 20 person or by mail. If mailed, the mailing must be postmarked on or
 21 before the last day for filing. The statement applies for that first year
 22 and any succeeding year for which the credit is allowed.

23 (b) The certified statement referred to in subsection (a) shall contain
 24 the name of any other county and township in which the individual
 25 owns or is buying real property.

26 **(c) An individual who fails to file a certified statement within the**
 27 **time prescribed by subsection (a) will be treated as having filed the**
 28 **statement within the time prescribed by subsection (a) if the person**
 29 **files a certified statement otherwise meeting the requirements of**
 30 **this section by September 10 of the year immediately preceding the**
 31 **first year for which the person wishes to obtain the credit provided**
 32 **by section 2 of this chapter.**

33 ~~(c)~~ (d) If an individual who is receiving the credit provided by this
 34 chapter changes the use of the individual's real property, so that part or
 35 all of that real property no longer qualifies for the homestead credit
 36 provided by this chapter, the individual must file a certified statement
 37 with the auditor of the county, notifying the auditor of the change of
 38 use within sixty (60) days after the date of that change. An individual
 39 who changes the use of the individual's real property and fails to file
 40 the statement required by this subsection is liable for the amount of the
 41 credit the individual was allowed under this chapter for that real
 42 property.



1 ~~(d)~~ (e) An individual who receives the credit provided by section 2
 2 of this chapter for property that is jointly held with another owner in a
 3 particular year and remains eligible for the credit in the following year
 4 is not required to file a statement to reapply for the credit following the
 5 removal of the joint owner if:

6 (1) the individual is the sole owner of the property following the
 7 death of the individual's spouse;

8 (2) the individual is the sole owner of the property following the
 9 death of a joint owner who was not the individual's spouse; or

10 (3) the individual is awarded sole ownership of property in a
 11 divorce decree.

12 SECTION 137. IC 6-1.1-23-1, AS AMENDED BY P.L.214-2005,
 13 SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 14 JANUARY 1, 2009]: Sec. 1. (a) Annually, after November 10th but
 15 before August 1st of the succeeding year, each county treasurer shall
 16 serve a written demand upon each county resident who is delinquent in
 17 the payment of personal property taxes. Annually, after May 10 but
 18 before October 31 of the same year, each county treasurer may serve a
 19 written demand upon a county resident who is delinquent in the
 20 payment of personal property taxes. The written demand may be served
 21 upon the taxpayer:

22 (1) by registered or certified mail;

23 (2) in person by the county treasurer or the county treasurer's
 24 agent; or

25 (3) by proof of certificate of mailing.

26 (b) The written demand required by this section shall contain:

27 (1) a statement that the taxpayer is delinquent in the payment of
 28 personal property taxes;

29 (2) the amount of the delinquent taxes;

30 (3) the penalties due on the delinquent taxes;

31 (4) the collection expenses which the taxpayer owes; and

32 (5) a statement that if the sum of the delinquent taxes, penalties,
 33 and collection expenses are not paid within thirty (30) days from
 34 the date the demand is made then:

35 (A) sufficient personal property of the taxpayer shall be sold
 36 to satisfy the total amount due plus the additional collection
 37 expenses incurred; or

38 (B) a judgment may be entered against the taxpayer in the
 39 circuit court of the county.

40 (c) Subsections (d) through (g) apply only to personal property that:

41 (1) is subject to a lien of a creditor imposed under an agreement
 42 entered into between the debtor and the creditor after June 30,



1 2005;

2 (2) comes into the possession of the creditor or the creditor's agent
3 after May 10, 2006, to satisfy all or part of the debt arising from
4 the agreement described in subdivision (1); and

5 (3) has an assessed value of at least three thousand two hundred
6 dollars (\$3,200).

7 (d) For the purpose of satisfying a creditor's lien on personal
8 property, the creditor of a taxpayer that comes into possession of
9 personal property on which the taxpayer is adjudicated delinquent in
10 the payment of personal property taxes must pay in full to the county
11 treasurer the amount of the delinquent personal property taxes
12 determined under STEP SEVEN of the following formula from the
13 proceeds of any transfer of the personal property made by the creditor
14 or the creditor's agent before applying the proceeds to the creditor's lien
15 on the personal property:

16 STEP ONE: Determine the amount realized from any transfer of
17 the personal property made by the creditor or the creditor's agent
18 after the payment of the direct costs of the transfer.

19 STEP TWO: Determine the amount of the delinquent taxes,
20 including penalties and interest accrued on the delinquent taxes
21 as identified on the form described in subsection (f) by the county
22 treasurer.

23 STEP THREE: Determine the amount of the total of the unpaid
24 debt that is a lien on the transferred property that was perfected
25 before the assessment date on which the delinquent taxes became
26 a lien on the transferred property.

27 STEP FOUR: Determine the sum of the STEP TWO amount and
28 the STEP THREE amount.

29 STEP FIVE: Determine the result of dividing the STEP TWO
30 amount by the STEP FOUR amount.

31 STEP SIX: Multiply the STEP ONE amount by the STEP FIVE
32 amount.

33 STEP SEVEN: Determine the lesser of the following:

34 (A) The STEP TWO amount.

35 (B) The STEP SIX amount.

36 (e) This subsection applies to transfers made by a creditor after May
37 10, 2006. As soon as practicable after a creditor comes into possession
38 of the personal property described in subsection (c), the creditor shall
39 request the form described in subsection (f) from the county treasurer.
40 Before a creditor transfers personal property described in subsection
41 (d) on which delinquent personal property taxes are owed, the creditor
42 must obtain from the county treasurer a delinquent personal property



1 tax form and file the delinquent personal property tax form with the
2 county treasurer. The creditor shall provide the county treasurer with:

- 3 (1) the name and address of the debtor; and
- 4 (2) a specific description of the personal property described in
5 subsection (d);

6 when requesting a delinquent personal property tax form.

7 (f) The delinquent personal property tax form must be in a form
8 prescribed by the state board of accounts under IC 5-11 and must
9 require the following information:

- 10 (1) The name and address of the debtor as identified by the
11 creditor.
- 12 (2) A description of the personal property identified by the
13 creditor and now in the creditor's possession.
- 14 (3) The assessed value of the personal property identified by the
15 creditor and now in the creditor's possession, as determined under
16 subsection (g).
- 17 (4) The amount of delinquent personal property taxes owed on the
18 personal property identified by the creditor and now in the
19 creditor's possession, as determined under subsection (g).
- 20 (5) A statement notifying the creditor that ~~IC 6-1.1-23-1~~ **this**
21 **section** requires that a creditor, upon the liquidation of personal
22 property for the satisfaction of the creditor's lien, must pay in full
23 the amount of delinquent personal property taxes owed as
24 determined under subsection (d) on the personal property in the
25 amount identified on this form from the proceeds of the
26 liquidation before the proceeds of the liquidation may be applied
27 to the creditor's lien on the personal property.

28 (g) The county treasurer shall provide the delinquent personal
29 property tax form described in subsection (f) to the creditor not later
30 than fourteen (14) days after the date the creditor requests the
31 delinquent personal property tax form. The county ~~and township~~
32 ~~assessors~~ **assessor** shall assist the county treasurer in determining the
33 appropriate assessed value of the personal property and the amount of
34 delinquent personal property taxes owed on the personal property.
35 Assistance provided by the county ~~and township assessors~~ **assessor**
36 must include providing the county treasurer with relevant personal
37 property forms filed with the ~~assessors~~ **assessor** and providing the
38 county treasurer with any other assistance necessary to accomplish the
39 purposes of this section.

40 SECTION 138. IC 6-1.1-24-2, AS AMENDED BY P.L.89-2007,
41 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
42 JANUARY 1, 2009]: Sec. 2. (a) In addition to the delinquency list



required under section 1 of this chapter, each county auditor shall prepare a notice. The notice shall contain the following:

(1) A list of tracts or real property eligible for sale under this chapter.

(2) A statement that the tracts or real property included in the list will be sold at public auction to the highest bidder, subject to the right of redemption.

(3) A statement that the tracts or real property will not be sold for an amount which is less than the sum of:

(A) the delinquent taxes and special assessments on each tract or item of real property;

(B) the taxes and special assessments on each tract or item of real property that are due and payable in the year of the sale, whether or not they are delinquent;

(C) all penalties due on the delinquencies;

(D) an amount prescribed by the county auditor that equals the sum of:

(i) the greater of twenty-five dollars (\$25) or postage and publication costs; and

(ii) any other actual costs incurred by the county that are directly attributable to the tax sale; and

(E) any unpaid costs due under subsection (b) from a prior tax sale.

(4) A statement that a person redeeming each tract or item of real property after the sale must pay:

(A) one hundred ten percent (110%) of the amount of the minimum bid for which the tract or item of real property was offered at the time of sale if the tract or item of real property is redeemed not more than six (6) months after the date of sale;

(B) one hundred fifteen percent (115%) of the amount of the minimum bid for which the tract or item of real property was offered at the time of sale if the tract or item of real property is redeemed more than six (6) months after the date of sale;

(C) the amount by which the purchase price exceeds the minimum bid on the tract or item of real property plus ten percent (10%) per annum on the amount by which the purchase price exceeds the minimum bid; and

(D) all taxes and special assessments on the tract or item of real property paid by the purchaser after the tax sale plus interest at the rate of ten percent (10%) per annum on the amount of taxes and special assessments paid by the purchaser



- 1 on the redeemed property.
- 2 (5) A statement for informational purposes only, of the location
- 3 of each tract or item of real property by key number, if any, and
- 4 street address, if any, or a common description of the property
- 5 other than a legal description. The ~~township~~ **county** assessor upon
- 6 written request from the county auditor, shall provide the
- 7 information to be in the notice required by this subsection. A
- 8 misstatement in the key number or street address does not
- 9 invalidate an otherwise valid sale.
- 10 (6) A statement that the county does not warrant the accuracy of
- 11 the street address or common description of the property.
- 12 (7) A statement indicating:
- 13 (A) the name of the owner of each tract or item of real
- 14 property with a single owner; or
- 15 (B) the name of at least one (1) of the owners of each tract or
- 16 item of real property with multiple owners.
- 17 (8) A statement of the procedure to be followed for obtaining or
- 18 objecting to a judgment and order of sale, that must include the
- 19 following:
- 20 (A) A statement:
- 21 (i) that the county auditor and county treasurer will apply on
- 22 or after a date designated in the notice for a court judgment
- 23 against the tracts or real property for an amount that is not
- 24 less than the amount set under subdivision (3), and for an
- 25 order to sell the tracts or real property at public auction to
- 26 the highest bidder, subject to the right of redemption; and
- 27 (ii) indicating the date when the period of redemption
- 28 specified in IC 6-1.1-25-4 will expire.
- 29 (B) A statement that any defense to the application for
- 30 judgment must be:
- 31 (i) filed with the court; and
- 32 (ii) served on the county auditor and the county treasurer;
- 33 before the date designated as the earliest date on which the
- 34 application for judgment may be filed.
- 35 (C) A statement that the county auditor and the county
- 36 treasurer are entitled to receive all pleadings, motions,
- 37 petitions, and other filings related to the defense to the
- 38 application for judgment.
- 39 (D) A statement that the court will set a date for a hearing at
- 40 least seven (7) days before the advertised date and that the
- 41 court will determine any defenses to the application for
- 42 judgment at the hearing.



1 (9) A statement that the sale will be conducted at a place
2 designated in the notice and that the sale will continue until all
3 tracts and real property have been offered for sale.

4 (10) A statement that the sale will take place at the times and
5 dates designated in the notice. Whenever the public auction is to
6 be conducted as an electronic sale, the notice must include a
7 statement indicating that the public auction will be conducted as
8 an electronic sale and a description of the procedures that must be
9 followed to participate in the electronic sale.

10 (11) A statement that a person redeeming each tract or item after
11 the sale must pay the costs described in IC 6-1.1-25-2(e).

12 (12) If a county auditor and county treasurer have entered into an
13 agreement under IC 6-1.1-25-4.7, a statement that the county
14 auditor will perform the duties of the notification and title search
15 under IC 6-1.1-25-4.5 and the notification and petition to the
16 court for the tax deed under IC 6-1.1-25-4.6.

17 (13) A statement that, if the tract or item of real property is sold
18 for an amount more than the minimum bid and the property is not
19 redeemed, the owner of record of the tract or item of real property
20 who is divested of ownership at the time the tax deed is issued
21 may have a right to the tax sale surplus.

22 (14) If a determination has been made under subsection (d), a
23 statement that tracts or items will be sold together.

24 (b) If within sixty (60) days before the date of the tax sale the county
25 incurs costs set under subsection (a)(3)(D) and those costs are not paid,
26 the county auditor shall enter the amount of costs that remain unpaid
27 upon the tax duplicate of the property for which the costs were set. The
28 county treasurer shall mail notice of unpaid costs entered upon a tax
29 duplicate under this subsection to the owner of the property identified
30 in the tax duplicate.

31 (c) The amount of unpaid costs entered upon a tax duplicate under
32 subsection (b) must be paid no later than the date upon which the next
33 installment of real estate taxes for the property is due. Unpaid costs
34 entered upon a tax duplicate under subsection (b) are a lien against the
35 property described in the tax duplicate, and amounts remaining unpaid
36 on the date the next installment of real estate taxes is due may be
37 collected in the same manner that delinquent property taxes are
38 collected.

39 (d) The county auditor and county treasurer may establish the
40 condition that a tract or item will be sold and may be redeemed under
41 this chapter only if the tract or item is sold or redeemed together with
42 one (1) or more other tracts or items. Property may be sold together



only if the tract or item is owned by the same person.

SECTION 139. IC 6-1.1-25-4.1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2009]: Sec. 4.1. (a) If, as provided in section ~~4(f)~~ **4(h)** of this chapter, the county auditor does not issue a deed to the county for property for which a certificate of sale has been issued to the county under IC 6-1.1-24-9 because the county executive determines that the property contains hazardous waste or another environmental hazard for which the cost of abatement or alleviation will exceed the fair market value of the property, the property may be transferred consistent with ~~the provisions of this~~ section.

(b) A person who desires to obtain title to and eliminate the hazardous conditions of property containing hazardous waste or another environmental hazard for which a county holds a certificate of sale but to which a deed may not be issued to the county under section ~~4(f)~~ **4(h)** of this chapter may file a petition with the county auditor seeking a waiver of the delinquent taxes, special assessments, interest, penalties, and costs assessed against the property and transfer of the title to the property to the petitioner. The petition must:

- (1) be on a form prescribed by the state board of accounts and approved by the department of local government finance;
- (2) state the amount of taxes, special assessments, penalties, and costs assessed against the property for which a waiver is sought;
- (3) describe the conditions existing on the property that have prevented the sale or the transfer of title to the county;
- (4) describe the plan of the petitioner for elimination of the hazardous condition on the property under IC 13-25-5 and the intended use of the property; and
- (5) be accompanied by a fee established by the county auditor for completion of a title search and processing.

(c) Upon receipt of a petition described in subsection (b), the county auditor shall review the petition to determine whether the petition is complete. If the petition is not complete, the county auditor shall return the petition to the petitioner and describe the defects in the petition. The petitioner may correct the defects and file the completed petition with the county auditor. Upon receipt of a completed petition, the county auditor shall forward a copy of the petition to:

- (1) the ~~county~~ assessor; ~~of the township in which the property is located;~~
- (2) the owner;
- (3) all persons who have, as of the date of the filing of the petition, a substantial interest of public record in the property;



1 (4) the county property tax assessment board of appeals; and

2 (5) the department of local government finance.

3 (d) Upon receipt of a petition described in subsection (b), the county
4 property tax assessment board of appeals shall, at the county property
5 tax assessment board of appeals' earliest opportunity, conduct a public
6 hearing on the petition. The county property tax assessment board of
7 appeals shall, by mail, give notice of the date, time, and place fixed for
8 the hearing to:

9 (1) the petitioner;

10 (2) the owner;

11 (3) all persons who have, as of the date the petition was filed, a
12 substantial interest of public record in the property; and

13 (4) the **county** assessor. ~~of the township in which the property is~~
14 ~~located.~~

15 In addition, notice of the public hearing on the petition shall be
16 published one (1) time at least ten (10) days before the hearing in a
17 newspaper of countywide circulation and posted at the principal office
18 of the county property tax assessment board of appeals, or at the
19 building where the meeting is to be held.

20 (e) After the hearing and completion of any additional investigation
21 of the property or of the petitioner that is considered necessary by the
22 county property tax assessment board of appeals, the county board shall
23 give notice, by mail, to the parties listed in subsection (d) of the county
24 property tax assessment board of appeals' recommendation as to
25 whether the petition should be granted. The county property tax
26 assessment board of appeals shall forward to the department of local
27 government finance a copy of the county property tax assessment board
28 of appeals' recommendation and a copy of the documents submitted to
29 or collected by the county property tax assessment board of appeals at
30 the public hearing or during the course of the county board of appeals'
31 investigation of the petition.

32 (f) Upon receipt by the department of local government finance of
33 a recommendation by the county property tax assessment board of
34 appeals, the department of local government finance shall review the
35 petition and all other materials submitted by the county property tax
36 assessment board of appeals and determine whether to grant the
37 petition. Notice of the determination by the department of local
38 government finance and the right to seek an appeal of the
39 determination shall be given by mail to:

40 (1) the petitioner;

41 (2) the owner;

42 (3) all persons who have, as of the date the petition was filed, a



1 substantial interest of public record in the property;

2 (4) the **county** assessor; ~~of the township in which the property is~~
3 ~~located~~; and

4 (5) the county property tax assessment board of appeals.

5 (g) Any person aggrieved by a determination of the department of
6 local government finance under subsection (f) may file an appeal
7 seeking additional review by the department of local government
8 finance and a public hearing. In order to obtain a review under this
9 subsection, the aggrieved person must file a petition for appeal with the
10 county auditor in the county where the tract or item of real property is
11 located not more than thirty (30) days after issuance of notice of the
12 determination of the department of local government finance. The
13 county auditor shall transmit the petition for appeal to the department
14 of local government finance not more than ten (10) days after the
15 petition is filed.

16 (h) Upon receipt by the department of local government finance of
17 an appeal, the department of local government finance shall set a date,
18 time, and place for a hearing. The department of local government
19 finance shall give notice, by mail, of the date, time, and place fixed for
20 the hearing to:

21 (1) the person filing the appeal;

22 (2) the petitioner;

23 (3) the owner;

24 (4) all persons who have, as of the date the petition was filed, a
25 substantial interest of public record in the property;

26 (5) the **county** assessor; ~~of the township in which the property is~~
27 ~~located~~; and

28 (6) the county property tax assessment board of appeals.

29 The department of local government finance shall give the notices at
30 least ten (10) days before the day fixed for the hearing.

31 (i) After the hearing, the department of local government finance
32 shall give the parties listed in subsection (h) notice by mail of the final
33 determination of the department of local government finance.

34 (j) If the department of local government finance decides to:

35 (1) grant the petition submitted under subsection (b) after initial
36 review of the petition under subsection (f) or after an appeal
37 under subsection (h); and

38 (2) waive the taxes, special assessments, interest, penalties, and
39 costs assessed against the property;

40 the department of local government finance shall issue to the county
41 auditor an order directing the removal from the tax duplicate of the
42 taxes, special assessments, interest, penalties, and costs for which the



1 waiver is granted.

2 (k) After:

- 3 (1) at least thirty (30) days have passed since the issuance of a
 4 notice by the department of local government finance to the
 5 county property tax assessment board of appeals granting a
 6 petition filed under subsection (b), if no appeal has been filed; or
 7 (2) not more than thirty (30) days after receipt by the county
 8 property tax assessment board of appeals of a notice of a final
 9 determination of the department of local government finance
 10 granting a petition filed under subsection (b) after an appeal has
 11 been filed and heard under subsection (h);

12 the county auditor shall file a verified petition and an application for an
 13 order on the petition in the court in which the judgment of sale was
 14 entered asking the court to direct the county auditor to issue a tax deed
 15 to the real property. The petition shall contain the certificate of sale
 16 issued to the county, a copy of the petition filed under subsection (b),
 17 and a copy of the notice of the final determination of the department of
 18 local government finance directing the county auditor to remove the
 19 taxes, interest, penalties, and costs from the tax duplicate. Notice of the
 20 filing of the petition and application for an order on the petition shall
 21 be given, by mail, to the owner and any person with a substantial
 22 interest of public record in the property. A person owning or having an
 23 interest in the property may appear to object to the petition.

24 (l) The court shall enter an order directing the county auditor to
 25 issue a tax deed to the petitioner under subsection (b) if the court finds
 26 that the following conditions exist:

- 27 (1) The time for redemption has expired.
 28 (2) The property has not been redeemed before the expiration of
 29 the period of redemption specified in section 4 of this chapter.
 30 (3) All taxes, special assessments, interest, penalties, and costs
 31 have been waived by the department of local government finance
 32 or, to the extent not waived, paid by the petitioner under
 33 subsection (b).
 34 (4) All notices required by this section and sections 4.5 and 4.6 of
 35 this chapter have been given.
 36 (5) The petitioner under subsection (b) has complied with all the
 37 provisions of law entitling the petitioner to a tax deed.

38 (m) A tax deed issued under this section is uncontestable except by
 39 appeal from the order of the court directing the county auditor to issue
 40 the tax deed. The appeal must be filed not later than sixty (60) days
 41 after the date of the court's order.

42 SECTION 140. IC 6-1.1-30-14, AS AMENDED BY P.L.219-2007,



SECTION 74, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2009]: Sec. 14. The department of local government finance:

- ~~(1)~~ ~~shall see that the property taxes due this state are collected;~~
- ~~(2)~~ ~~(1)~~ shall see that the penalties prescribed under this article are enforced;
- ~~(3)~~ ~~(2)~~ shall investigate the property tax laws and systems of other states and countries;
- ~~(4)~~ ~~(3)~~ for assessment dates after December 31, 2008, shall conduct all ratio studies required for:
 - (A) equalization under 50 IAC 14; and
 - (B) annual adjustments under 50 IAC 21; and
- ~~(5)~~ ~~(4)~~ may recommend changes in this state's property tax laws to the general assembly.

SECTION 141. IC 6-1.1-31-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2009]: Sec. 5. (a) Subject to this article, the rules adopted by the department of local government finance are the basis for determining the true tax value of tangible property.

(b) ~~Local~~ Assessing officials ~~members of the county property tax assessment board of appeals, and county assessors~~ shall:

- (1) comply with the rules, appraisal manuals, bulletins, and directives adopted by the department of local government finance;
- (2) use the property tax forms, property tax returns, and notice forms prescribed by the department; and
- (3) collect and record the data required by the department.

(c) In assessing tangible property, the ~~township assessors, members of the county property tax assessment board of appeals, and county assessors~~ **assessing officials** may consider factors in addition to those prescribed by the department of local government finance if the use of the additional factors is first approved by the department. Each ~~township assessor, of the county property tax assessment board of appeals, and the county assessor~~ **assessing official** shall indicate on his ~~the official's~~ records for each individual assessment whether:

- (1) only the factors contained in the department's rules, forms, and returns have been considered; or
- (2) factors in addition to those contained in the department's rules, forms, and returns have been considered.

SECTION 142. IC 6-1.1-31.5-3.5, AS AMENDED BY P.L.228-2005, SECTION 26, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2009]: Sec. 3.5. (a) Until the system described in subsection (e) is implemented, each county shall



maintain a state certified computer system that has the capacity to:

- (1) process and maintain assessment records;
- (2) process and maintain standardized property tax forms;
- (3) process and maintain standardized property assessment notices;
- (4) maintain complete and accurate assessment records for the county; and
- (5) process and compute complete and accurate assessments in accordance with Indiana law.

The county assessor ~~with the recommendation of the township assessors~~ shall select the computer system. ~~used by township assessors and the county assessor in the county except in a county with an elected township assessor in every township. In a county with an elected township assessor in every township, the elected township assessors shall select a computer system based on a majority vote of the township assessors in the county.~~

(b) All information on a computer system referred to in subsection (a) shall be readily accessible to:

- ~~(1) township assessors;~~
- ~~(2) the county assessor;~~
- ~~(3) (1) the department of local government finance; and~~
- ~~(4) members of the county property tax assessment board of appeals.~~
- (2) assessing officials.**

(c) The certified system referred to in subsection (a) used by the counties must be:

- (1) compatible with the data export and transmission requirements in a standard format prescribed by the office of technology established by IC 4-13.1-2-1 and approved by the legislative services agency; and
- (2) maintained in a manner that ensures prompt and accurate transfer of data to the department of local government finance and the legislative services agency.

(d) All standardized property forms and notices on the certified computer system referred to in subsection (a) shall be maintained by the ~~township assessor and the~~ county assessor in an accessible location and in a format that is easily understandable for use by persons of the county.

(e) The department shall adopt rules ~~before July 1, 2006;~~ for the establishment of:

- (1) a uniform and common property tax management system among all counties that:



- 1 (A) includes a combined mass appraisal and county auditor
 2 system integrated with a county treasurer system; and
 3 (B) replaces the computer system referred to in subsection (a);
 4 and
 5 (2) a schedule for implementation of the system referred to in
 6 subdivision (1) structured to result in the implementation of the
 7 system in all counties with respect to an assessment date:
 8 (A) determined by the department; and
 9 (B) specified in the rule.
- 10 (f) The department shall appoint an advisory committee to assist the
 11 department in the formulation of the rules referred to in subsection (e).
 12 The department shall determine the number of members of the
 13 committee. The committee:
 14 (1) must include at least:
 15 ~~(A) one (1) township assessor;~~
 16 ~~(B) (A) one (1) county assessor;~~
 17 ~~(C) (B) one (1) county auditor; and~~
 18 ~~(D) (C) one (1) county treasurer; and~~
 19 (2) shall meet at times and locations determined by the
 20 department.
- 21 (g) Each member of the committee appointed under subsection (f)
 22 who is not a state employee is not entitled to the minimum salary per
 23 diem provided by IC 4-10-11-2.1(b). The member is entitled to
 24 reimbursement for traveling expenses as provided under IC 4-13-1-4
 25 and other expenses actually incurred in connection with the member's
 26 duties as provided in the state policies and procedures established by
 27 the Indiana department of administration and approved by the budget
 28 agency.
- 29 (h) Each member of the committee appointed under subsection (f)
 30 who is a state employee is entitled to reimbursement for traveling
 31 expenses as provided under IC 4-13-1-4 and other expenses actually
 32 incurred in connection with the member's duties as provided in the state
 33 policies and procedures established by the Indiana department of
 34 administration and approved by the budget agency.
- 35 (i) The department shall report to the budget committee in writing
 36 the department's estimate of the cost of implementation of the system
 37 referred to in subsection (e).
- 38 SECTION 143. IC 6-1.1-31.7-1 IS AMENDED TO READ AS
 39 FOLLOWS [EFFECTIVE JANUARY 1, 2009]: Sec. 1. As used in this
 40 chapter, "appraiser" refers to a professional appraiser or a professional
 41 appraisal firm that contracts with a ~~township or~~ county under
 42 IC 6-1.1-4.



1 SECTION 144. IC 6-1.1-33.5-2 IS AMENDED TO READ AS
 2 FOLLOWS [EFFECTIVE JANUARY 1, 2009]: Sec. 2. The division of
 3 data analysis shall do the following:

- 4 (1) Compile an electronic data base that includes the following:
 5 (A) The local government data base.
 6 (B) Information on sales of real and personal property,
 7 including nonconfidential information from sales disclosure
 8 forms filed under IC 6-1.1-5.5.
 9 (C) Personal property assessed values and data entries on
 10 personal property return forms.
 11 (D) Real property assessed values and data entries on real
 12 property assessment records.
 13 (E) Information on property tax exemptions, deductions, and
 14 credits.
 15 (F) Any other data relevant to the accurate determination of
 16 real property and personal property tax assessments.

17 (2) Make available to each county ~~and township~~ software that
 18 permits the transfer of the data described in subdivision (1) to the
 19 division in a uniform format through a secure connection over the
 20 Internet.

21 (3) Analyze the data compiled under this section for the purpose
 22 of performing the functions under section 3 of this chapter.

23 (4) Conduct continuing studies of personal and real property tax
 24 deductions, abatements, and exemptions used throughout Indiana.
 25 The division of data analysis shall, before May 1 of each
 26 even-numbered year, report on the studies at a meeting of the
 27 budget committee and submit a report on the studies to the
 28 legislative services agency for distribution to the members of the
 29 legislative council. The report must be in an electronic format
 30 under IC 5-14-6.

31 SECTION 145. IC 6-1.1-35-1 IS AMENDED TO READ AS
 32 FOLLOWS [EFFECTIVE JANUARY 1, 2009]: Sec. 1. The department
 33 of local government finance shall:

- 34 (1) interpret the property tax laws of this state;
 35 (2) instruct property tax officials about their taxation and
 36 assessment duties and ensure that ~~the county assessors township~~
 37 ~~assessors, and~~ assessing officials are in compliance with section
 38 1.1 of this chapter;
 39 (3) see that all property assessments are made in the manner
 40 provided by law; and
 41 (4) develop and maintain a manual for all assessing officials and
 42 county assessors concerning:



- 1 (A) assessment duties and responsibilities of the various state
- 2 and local officials;
- 3 (B) assessment procedures and time limits for the completion
- 4 of assessment duties;
- 5 (C) changes in state assessment laws; and
- 6 (D) other matters relevant to the assessment duties of
- 7 assessing officials, county assessors, and other county
- 8 officials.

9 SECTION 146. IC 6-1.1-35-3 IS AMENDED TO READ AS
 10 FOLLOWS [EFFECTIVE JANUARY 1, 2009]: Sec. 3. (a) The
 11 department of local government finance may require ~~township~~
 12 ~~assessors~~, county assessors, ~~or~~ members of the county property tax
 13 assessment board of appeals, county auditors, and their employees to
 14 attend instructional sessions held by the department or held by others
 15 but approved by the department. An assessing official, or an employee
 16 who is required to attend an instructional session or who, at the
 17 department's request, meets with the department on official business
 18 shall receive:

19 (1) a lodging allowance for each night preceding session
 20 attendance not less than the lodging allowance equal to the lesser
 21 of:

22 (A) the cost of a standard room rate at the hotel where the
 23 session is held; or

24 (B) the actual cost of lodging paid;

25 (2) a subsistence allowance for meals for each day in attendance
 26 not less than the subsistence allowance for meals paid to state
 27 employees in travel status, but not more than the maximum
 28 subsistence allowance permitted under the regulations of the
 29 General Services Administration for federal employees in travel
 30 status, as reported in the Federal Register;

31 (3) a mileage allowance equal to that sum per mile paid to state
 32 officers and employees. The rate per mile shall change each time
 33 the state government changes its rate per mile; and

34 (4) an allowance equal to the cost of parking at the convention
 35 site.

36 The amount a county assessor, ~~a township assessor~~, a member of a
 37 county property tax assessment board of appeals, or an employee shall
 38 receive under subdivision (2) shall be established by the county fiscal
 39 body.

40 (b) If a county assessor, ~~a township assessor~~, a member of a county
 41 property tax assessment board of appeals, or an employee is entitled to
 42 receive an allowance under this section, the department of local



government finance shall furnish the appropriate county auditor with a certified statement which indicates the dates of attendance. The official or employee may file a claim for payment with the county auditor. The county treasurer shall pay the warrant from the county general fund from funds not otherwise appropriated.

(c) In the case of one (1) day instructional sessions, a lodging allowance may be paid only to persons who reside more than fifty (50) miles from the session location. Regardless of the duration of the session, and even though more than one (1) person may have been transported, only one (1) mileage allowance may be paid to an official or employee furnishing the conveyance.

SECTION 147. IC 6-1.1-35-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2009]: Sec. 9. (a) All information that is related to earnings, income, profits, losses, or expenditures and that is:

(1) given by a person to:

(A) an assessing official;

~~(B) a member of a county property tax assessment board of appeals;~~

~~(C) a county assessor;~~

~~(D) (B) an employee of a person referred to in clauses (A) through (C);~~ **an assessing official;** or

~~(E) (C) an officer or employee of an entity that contracts with a board of county commissioners or a county assessor or an elected township assessor under IC 6-1.1-36-12; or~~

(2) acquired by:

(A) an assessing official;

~~(B) a member of a county property tax assessment board of appeals;~~

~~(C) a county assessor;~~

~~(D) (B) an employee of a person referred to in clauses (A) through (C);~~ **an assessing official;** or

~~(E) (C) an officer or employee of an entity that contracts with a board of county commissioners or a county assessor or an elected township assessor under IC 6-1.1-36-12;~~

in the performance of the person's duties;

is confidential. The assessed valuation of tangible property is a matter of public record and is thus not confidential. Confidential information may be disclosed only in a manner that is authorized under subsection (b), (c), or (d).

(b) Confidential information may be disclosed to:

(1) an official or employee of:



- 1 (A) this state or another state;
- 2 (B) the United States; or
- 3 (C) an agency or subdivision of this state, another state, or the
- 4 United States;
- 5 if the information is required in the performance of the official
- 6 duties of the official or employee; or
- 7 (2) an officer or employee of an entity that contracts with a board
- 8 of county commissioners ~~or~~ a county assessor ~~or an elected~~
- 9 ~~township assessor~~ under IC 6-1.1-36-12 if the information is
- 10 required in the performance of the official duties of the officer or
- 11 employee.
- 12 (c) The following state agencies, or their authorized representatives,
- 13 shall have access to the confidential farm property records and
- 14 schedules that are on file in the office of a county ~~or township~~ assessor:
- 15 (1) the Indiana state board of animal health, in order to perform
- 16 its duties concerning the discovery and eradication of farm animal
- 17 diseases;
- 18 (2) the department of agricultural statistics of Purdue University,
- 19 in order to perform its duties concerning the compilation and
- 20 dissemination of agricultural statistics; and
- 21 (3) any other state agency that needs the information in order to
- 22 perform its duties.
- 23 (d) Confidential information may be disclosed during the course of
- 24 a judicial proceeding in which the regularity of an assessment is
- 25 questioned.
- 26 (e) Confidential information that is disclosed to a person under
- 27 subsection (b) or (c) retains its confidential status. Thus, that person
- 28 may disclose the information only in a manner that is authorized under
- 29 subsection (b), (c), or (d).
- 30 (f) Notwithstanding any other provision of law:
- 31 (1) a person who:
- 32 (A) is an officer or employee of an entity that contracts with a
- 33 board of county commissioners ~~or~~ a county assessor ~~or an~~
- 34 ~~elected township assessor~~ under IC 6-1.1-36-12; and
- 35 (B) obtains confidential information under this section;
- 36 may not disclose that confidential information to any other
- 37 person; and
- 38 (2) a person referred to in subdivision (1) must return all
- 39 confidential information to the taxpayer not later than fourteen
- 40 (14) days after the earlier of:
- 41 (A) the completion of the examination of the taxpayer's
- 42 personal property return under IC 6-1.1-36-12; or



(B) the termination of the contract.

SECTION 148. IC 6-1.1-35-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2009]: Sec. 11. (a) An assessing official ~~member of a county property tax assessment board of appeals; a state board member;~~ or an employee of ~~any~~ **an** assessing official ~~county assessor; or board~~ shall immediately be dismissed from that position if the person discloses in an unauthorized manner any information that is classified as confidential under section 9 of this chapter.

(b) If an officer or employee of an entity that contracts with a board of county commissioners ~~or a county assessor or an elected township assessor~~ under IC 6-1.1-36-12 discloses in an unauthorized manner any information that is classified as confidential under section 9 of this chapter:

(1) the contract between the entity and the board is void as of the date of the disclosure;

(2) the entity forfeits all right to payments owed under the contract after the date of disclosure;

(3) the entity and its affiliates are barred for three (3) years after the date of disclosure from entering into a contract with a board ~~or a county assessor or an elected township assessor~~ under IC 6-1.1-36-12; and

(4) the taxpayer whose information was disclosed has a right of action for triple damages against the entity.

SECTION 149. IC 6-1.1-35-13 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2009]: Sec. 13. (a) The department of local government finance may prepare a report, plat, or other property tax record if an official:

(1) fails to make a report which is required under the general assessment provisions of this article; or

(2) fails to deliver a plat or other property tax record to the appropriate officer or board.

(b) If the department of local government finance prepares a report, plat, or property tax record, the department shall certify the expenses incurred by the department to the ~~township or~~ county which is served by the official who failed to perform the duty. The ~~township or~~ county shall pay the amount of the expenses to the treasurer of state within thirty (30) days after the department's certification. The ~~township or~~ county may collect amounts which it pays under this section from the official who failed to perform the duty.

SECTION 150. IC 6-1.1-35.2-1, AS AMENDED BY P.L.88-2005, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE



JANUARY 1, 2009]: Sec. 1. The department of local government finance shall provide training to the ~~members of the county property tax assessment boards of appeals, and the county and township assessors~~ (referred to in this chapter as assessing officials. as provided in this chapter.

SECTION 151. IC 6-1.1-35.2-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2009]: Sec. 2. (a) In any year in which an assessing official ~~or a county assessor~~ takes office for the first time, the department of local government finance shall conduct training sessions determined under the rules adopted by the department under IC 4-22-2 for ~~these the~~ new assessing officials. ~~and county assessors. These~~ The sessions must be held at the locations described in subsection (b).

(b) To ensure that all newly elected or appointed assessing officials ~~and assessors~~ have an opportunity to attend the training sessions required by this section, the department of local government finance shall conduct the training sessions at a minimum of four (4) separate regional locations. The department shall determine the locations of the training sessions, but:

- (1) at least one (1) training session must be held in the northeastern part of Indiana;
- (2) at least one (1) training session must be held in the northwestern part of Indiana;
- (3) at least one (1) training session must be held in the southeastern part of Indiana; and
- (4) at least one (1) training session must be held in the southwestern part of Indiana.

The four (4) regional training sessions may not be held in Indianapolis. However, the department of local government finance may, after the conclusion of the four (4) training sessions, provide additional training sessions at locations determined by the department.

(c) Any new assessing official ~~or county assessor~~ who attends:

- (1) a required session during the official's ~~or assessor's~~ term of office; or
- (2) training between the date the person is elected to office and January 1 of the year the person takes office for the first time;

is entitled to receive the per diem per session set by the department of local government finance by rule adopted under IC 4-22-2 and a mileage allowance from the county in which the official resides.

(d) A person is entitled to a mileage allowance under this section only for travel between the person's place of work and the training session nearest to the person's place of work.



1 SECTION 152. IC 6-1.1-35.2-3 IS AMENDED TO READ AS
 2 FOLLOWS [EFFECTIVE JANUARY 1, 2009]: Sec. 3. (a) Each year
 3 the department of local government finance shall conduct the
 4 continuing education sessions required in the rules adopted by the
 5 department for all assessing officials ~~county assessors~~, and all ~~members~~
 6 ~~of, and~~ hearing officers for the county property tax assessment board
 7 of appeals. These sessions must be conducted at the locations described
 8 in subsection (b).

9 (b) To ensure that all assessing officials ~~assessors, and members of~~
 10 ~~county property tax assessment boards of appeals and hearing officers~~
 11 have an opportunity to attend the continuing education sessions
 12 required by this section, the department of local government finance
 13 shall conduct the continuing education sessions at a minimum of four
 14 (4) separate regional locations. The department shall determine the
 15 locations of the continuing education sessions, but:

16 (1) at least one (1) continuing education session must be held in
 17 the northeastern part of Indiana;

18 (2) at least one (1) continuing education session must be held in
 19 the northwestern part of Indiana;

20 (3) at least one (1) continuing education session must be held in
 21 the southeastern part of Indiana; and

22 (4) at least one (1) continuing education session must be held in
 23 the southwestern part of Indiana.

24 The four (4) regional continuing education sessions may not be held in
 25 Indianapolis. However, the department of local government finance
 26 may, after the conclusion of the four (4) continuing education sessions,
 27 provide additional continuing education sessions at locations
 28 determined by the department.

29 (c) Any assessing official ~~county assessor, or member of, and~~
 30 ~~hearing officers officer~~ for the county property tax assessment board
 31 of appeals who attends required sessions is entitled to receive a mileage
 32 allowance and the per diem per session set by the department of local
 33 government finance by rule adopted under IC 4-22-2 from the county
 34 in which the official resides. A person is entitled to a mileage
 35 allowance under this section only for travel between the person's place
 36 of work and the training session nearest to the person's place of work.

37 SECTION 153. IC 6-1.1-35.2-5 IS AMENDED TO READ AS
 38 FOLLOWS [EFFECTIVE JANUARY 1, 2009]: Sec. 5. A county that
 39 is required to make a payment to an assessing official ~~a county~~
 40 ~~assessor, or member of, and a hearing officers officer~~ for the county
 41 property tax assessment board of appeals under this chapter must make
 42 the payment regardless of an appropriation. The payment may be made



1 from the county's ~~cumulative~~ reassessment fund.

2 SECTION 154. IC 6-1.1-35.5-3 IS AMENDED TO READ AS
3 FOLLOWS [EFFECTIVE JANUARY 1, 2009]: Sec. 3. The department
4 of local government finance shall design two (2) assessor-appraiser
5 examinations, to be called "level one" and "level two". All citizens of
6 Indiana are eligible to apply for and to be examined under "level one"
7 and "level two" examinations, subject only to the resources and
8 limitations of the department of local government finance in
9 conducting the examinations. Both examinations should cover the
10 subjects of real estate appraising, accounting, and property tax law.
11 Successful performance on the level one examination requires the
12 minimum knowledge needed for effective performance as a county ~~or~~
13 ~~township~~ assessor under this article. Success on the level two
14 examination requires substantial knowledge of the subjects covered in
15 the examination.

16 SECTION 155. IC 6-1.1-35.5-4 IS AMENDED TO READ AS
17 FOLLOWS [EFFECTIVE JANUARY 1, 2009]: Sec. 4. (a) The level
18 one examination shall be given in July, and the level two examination
19 shall be given in August. Both level examinations also shall be offered
20 annually immediately following the conference of the department of
21 local government finance and at any other times that coordinate with
22 training sessions conducted under IC 6-1.1-35.2-2. The department of
23 local government finance may also give either or both examinations at
24 other times throughout the year.

25 (b) Examinations shall be held each year, at the times prescribed in
26 subsection (a), in Indianapolis and at not less than four (4) other
27 convenient locations chosen by the department of local government
28 finance.

29 (c) The department of local government finance may not limit the
30 number of individuals who take the examination and shall provide an
31 opportunity for all enrollees at each session to take the examination at
32 that session.

33 (d) The department of local government finance shall

34 ~~(1) give both the level one examination and the level two~~
35 ~~examination in an open book format; and~~

36 ~~(2) design both examinations to approximate the work an~~
37 ~~assessing official is required to perform, including the use of~~
38 ~~appropriate computer applications.~~

39 SECTION 156. IC 6-1.1-35.5-5, AS AMENDED BY P.L.219-2007,
40 SECTION 77, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
41 JANUARY 1, 2009]: Sec. 5. A county ~~or township~~ assessor, a member
42 or hearing officer of the county property tax assessment board of



appeals, or a member of the public may apply for and take the level one examination. A person who is successful on the level one examination may apply for and take the level two examination. A person who is successful on the level two examination may apply for level three certification.

SECTION 157. IC 6-1.1-35.5-7, AS AMENDED BY P.L.219-2007, SECTION 79, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2009]: Sec. 7. (a) With respect to level one and level two certifications, the department of local government finance shall establish a fair and reasonable fee for examination and certification under this chapter. However, the fee does not apply to:

- (1) an ~~elected~~ assessing official;
- (2) a ~~county assessor; a member of; and hearing officers officer~~ for a county property tax assessment board of appeals; or
- (3) an employee of an ~~elected~~ assessing official ~~county assessor;~~ or county property tax assessment board of appeals;

who is taking the level one examination or the level two examination for the first time.

(b) The assessing official training account is established as an account within the state general fund. All fees collected by the department of local government finance shall be deposited in the account. The account shall be administered by the department of local government finance and does not revert to the state general fund at the end of a fiscal year. The department of local government finance may use money in the account for:

- (1) testing and training of assessing officials ~~county assessors; members of a county property tax assessment board of appeals; and employees of assessing officials; county assessors; or the county property tax assessment board of appeals; conducted under this chapter;~~ and
- (2) administration of the level three certification program under section 4.5 of this chapter.

SECTION 158. IC 6-1.1-36-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2009]: Sec. 3. (a) A ~~township assessor's assessment or a county assessor's assessment of property is~~ valid even if:

- (1) ~~he the county assessor~~ does not complete, or notify the county auditor of, the assessment by the time prescribed under IC 6-1.1-3 or IC 6-1.1-4;
- (2) there is an irregularity or informality in the manner in which ~~he the county assessor~~ makes the assessment; or
- (3) there is an irregularity or informality in the tax list.



1 An irregularity or informality in the assessment or the tax list may be
2 corrected at any time.

3 (b) This section does not release a ~~township assessor or~~ county
4 assessor from any duty to give notice or from any penalty imposed on
5 ~~him the assessor~~ by law for ~~his the assessor's~~ failure to make ~~his the~~
6 ~~assessor's~~ return within the time ~~period~~ prescribed in IC 6-1.1-3 or
7 IC 6-1.1-4.

8 SECTION 159. IC 6-1.1-36-4 IS AMENDED TO READ AS
9 FOLLOWS [EFFECTIVE JANUARY 1, 2009]: Sec. 4. (a) An
10 assessing official ~~a county assessor, a member of a county property tax~~
11 ~~assessment board of appeals~~, or a representative of the department of
12 local government finance may file an affidavit with a circuit court of
13 this state if:

14 (1) the official ~~or board member~~ or a representative ~~of the official~~
15 ~~or board~~ has requested that a person give information or produce
16 books or records; and

17 (2) the person has not complied with the request.

18 The affidavit must state that the person has not complied with the
19 request.

20 (b) When an affidavit is filed under subsection (a), the circuit court
21 shall issue a writ which directs the person to appear at the office of the
22 official or ~~board member~~ **representative** and to give the requested
23 information or produce the requested books or records. The appropriate
24 county sheriff shall serve the writ. A person who disobeys the writ is
25 guilty of contempt of court.

26 (c) If a writ is issued under this section, the cost incurred in filing
27 the affidavit, in the issuance of the writ, and in the service of the writ
28 shall be charged to the person against whom the writ is issued. If a writ
29 is not issued, all costs shall be charged to the county in which the
30 circuit court proceedings are held, and the board of commissioners of
31 that county shall allow a claim for the costs.

32 SECTION 160. IC 6-1.1-36-5 IS AMENDED TO READ AS
33 FOLLOWS [EFFECTIVE JANUARY 1, 2009]: Sec. 5. In order to
34 discharge their official duties, the following officials may administer
35 oaths and affirmations:

36 ~~(1) Assessing officials.~~

37 ~~(2) (1) County assessors.~~

38 ~~(3) (2) County auditors.~~

39 ~~(4) (3) Members of a county property tax assessment board of~~
40 ~~appeals.~~

41 ~~(5) (4) Members of the Indiana board.~~

42 SECTION 161. IC 6-1.1-36-7 IS AMENDED TO READ AS



1 FOLLOWS [EFFECTIVE JANUARY 1, 2009]: Sec. 7. (a) The
 2 department of local government finance may cancel any property taxes
 3 assessed against real property owned by a county, township, city, or
 4 town if a petition requesting that the department cancel the taxes is
 5 submitted by the auditor, assessor, and treasurer of the county in which
 6 the real property is located.

7 (b) The department of local government finance may cancel any
 8 property taxes assessed against real property owned by this state if a
 9 petition requesting that the department cancel the taxes is submitted by:

10 (1) the governor; or

11 (2) the chief administrative officer of the state agency which
 12 supervises the real property.

13 However, if the petition is submitted by the chief administrative officer
 14 of a state agency, the governor must approve the petition.

15 (c) The department of local government finance may compromise
 16 the amount of property taxes, together with any interest or penalties on
 17 those taxes, assessed against the fixed or distributable property owned
 18 by a bankrupt railroad, which is under the jurisdiction of:

19 (1) a federal court under 11 U.S.C. 1163;

20 (2) Chapter X of the Acts of Congress Relating to Bankruptcy (11
 21 U.S.C. 701-799); or

22 (3) a comparable bankruptcy law.

23 (d) After making a compromise under subsection (c) and after
 24 receiving payment of the compromised amount, the department of local
 25 government finance shall distribute to each county treasurer an amount
 26 equal to the product of:

27 (1) the compromised amount; multiplied by

28 (2) a fraction, the numerator of which is the total of the particular
 29 county's property tax levies against the railroad for the
 30 compromised years, and the denominator of which is the total of
 31 all property tax levies against the railroad for the compromised
 32 years.

33 (e) After making the distribution under subsection (d), the
 34 department of local government finance shall direct the auditors of
 35 each county to remove from the tax rolls the amount of all property
 36 taxes assessed against the bankrupt railroad for the compromised years.

37 (f) The county auditor of each county receiving money under
 38 subsection (d) shall allocate that money among the county's taxing
 39 districts. The auditor shall allocate to each taxing district an amount
 40 equal to the product of:

41 (1) the amount of money received by the county under subsection

42 (d); multiplied by



(2) a fraction, the numerator of which is the total of the taxing district's property tax levies against the railroad for the compromised years, and the denominator of which is the total of all property tax levies against the railroad in that county for the compromised years.

(g) The money allocated to each taxing district shall be apportioned and distributed among the taxing units of that taxing district in the same manner and at the same time that property taxes are apportioned and distributed.

(h) The department of local government finance may, with the approval of the attorney general, compromise the amount of property taxes, together with any interest or penalties on those taxes, assessed against property owned by a person that has a case pending under state or federal bankruptcy law. Property taxes that are compromised under this section shall be distributed and allocated at the same time and in the same manner as regularly collected property taxes. The department of local government finance may compromise property taxes under this subsection only if:

(1) a petition is filed with the department of local government finance that requests the compromise and ~~that~~ is signed and approved by the assessor, auditor, and treasurer of each county ~~and the assessor of each township~~ that is entitled to receive any part of the compromised taxes;

(2) the compromise significantly advances the time of payment of the taxes; and

(3) the compromise is in the best interest of the state and the taxing units that are entitled to receive any part of the compromised taxes.

(i) A taxing unit that receives funds under this section is not required to include the funds in its budget estimate for any budget year which begins after the budget year in which it receives the funds.

(j) A county treasurer, with the consent of the county auditor and the county assessor, may compromise the amount of property taxes, interest, or penalties owed in a county by an entity that has a case pending under Title 11 of the United States Code (Bankruptcy Code) by accepting a single payment that must be at least seventy-five percent (75%) of the total amount owed in the county.

SECTION 162. IC 6-1.1-36-12, AS AMENDED BY P.L.154-2006, SECTION 54, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2009]: Sec. 12. (a) A board of county commissioners ~~or~~ a county assessor ~~or an elected township assessor~~ may enter into a contract for the discovery of property that has been undervalued or



omitted from assessment. The contract must prohibit payment to the contractor for discovery of undervaluation or omission with respect to a parcel or personal property return before all appeals of the assessment of the parcel or the assessment under the return have been finalized.

The contract may require the contractor to:

(1) examine and verify the accuracy of personal property returns filed by taxpayers ~~with a township assessor of a township~~ in the county; and

(2) compare a return with the books of the taxpayer and with personal property owned, held, possessed, controlled, or occupied by the taxpayer.

(b) This subsection applies if funds are not appropriated for payment of services performed under a contract described in subsection (a). The county auditor may create a special nonreverting fund in which the county treasurer shall deposit the amount of taxes, including penalties and interest, that result from additional assessments on undervalued or omitted property collected from all taxing jurisdictions in the county after deducting the amount of any property tax credits that reduce the owner's property tax liability for the undervalued or omitted property. The fund remains in existence during the term of the contract. Distributions shall be made from the fund without appropriation only for the following purposes:

(1) All contract fees and other costs related to the contract.

(2) After the payments required by subdivision (1) have been made and the contract has expired, the county auditor shall distribute all money remaining in the fund to the appropriate taxing units in the county using the property tax rates of each taxing unit in effect at the time of the distribution.

(c) A board of county commissioners ~~or a county assessor or an elected township assessor~~ may not contract for services under subsection (a) on a percentage basis.

SECTION 163. IC 6-1.1-36-13 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2009]: Sec. 13. When a political subdivision is formed, the auditor of the county in which the political subdivision is situated shall, at the written request of the legislative body of the political subdivision, prepare a list of all the lands and lots within the limits of the political subdivision, and the county auditor shall deliver the list to the ~~appropriate township county~~ assessor on or before the assessment date which immediately follows the date of incorporation. The county auditor shall use the records in the auditor's office in order to compile the list.

SECTION 164. IC 6-1.1-37-2 IS AMENDED TO READ AS



1 FOLLOWS [EFFECTIVE JANUARY 1, 2009]: Sec. 2. ~~A county or~~
 2 ~~township An assessing official member of a county or state board; or~~
 3 ~~employee or a representative of such an official or board the~~
 4 ~~department of local government finance~~ who:

5 (1) knowingly assesses any property at more or less than what ~~he~~
 6 **the official or representative** believes is the proper assessed
 7 value of the property;

8 (2) knowingly fails to perform any of the duties imposed on ~~him~~
 9 **the official or representative** under the general assessment
 10 provisions of this article; or

11 (3) recklessly violates any of the other general assessment
 12 provisions of this article;

13 commits a Class A misdemeanor.

14 SECTION 165. IC 6-1.1-37-7 IS AMENDED TO READ AS
 15 FOLLOWS [EFFECTIVE JANUARY 1, 2009]: Sec. 7. (a) If a person
 16 fails to file a required personal property return on or before the due
 17 date, the county auditor shall add a penalty of twenty-five dollars (\$25)
 18 to the person's next property tax installment. The county auditor shall
 19 also add an additional penalty to the taxes payable by the person if ~~he~~
 20 **the person** fails to file the personal property return within thirty (30)
 21 days after the due date. The amount of the additional penalty is twenty
 22 percent (20%) of the taxes finally determined to be due with respect to
 23 the personal property which should have been reported on the return.

24 (b) For purposes of this section, a personal property return is not due
 25 until the expiration of any extension period granted by the ~~township~~
 26 **county** assessor under IC 6-1.1-3-7(b).

27 (c) The penalties prescribed under this section do not apply to an
 28 individual or ~~his~~ **the individual's** dependents if ~~he; the individual:~~

29 (1) is in the military or naval forces of the United States on the
 30 assessment date; and

31 (2) is covered by the federal Soldiers' and Sailors' Civil Relief
 32 Act.

33 (d) If a person subject to IC 6-1.1-3-7(d) fails to include on a
 34 personal property return the information, if any, that the department of
 35 local government finance requires under IC 6-1.1-3-9 or IC 6-1.1-5-13,
 36 the county auditor shall add a penalty to the property tax installment
 37 next due for the return. The amount of the penalty is twenty-five dollars
 38 (\$25).

39 (e) If the total assessed value that a person reports on a personal
 40 property return is less than the total assessed value that the person is
 41 required by law to report and if the amount of the undervaluation
 42 exceeds five percent (5%) of the value that should have been reported



on the return, then the county auditor shall add a penalty of twenty percent (20%) of the additional taxes finally determined to be due as a result of the undervaluation. The penalty shall be added to the property tax installment next due for the return on which the property was undervalued. If a person has complied with all of the requirements for claiming a deduction, an exemption, or an adjustment for abnormal obsolescence, then the increase in assessed value that results from a denial of the deduction, exemption, or adjustment for abnormal obsolescence is not considered to result from an undervaluation for purposes of this subsection.

(f) A penalty is due with an installment under subsection (a), (d), or (e) whether or not an appeal is filed under IC 6-1.1-15-5 with respect to the tax due on that installment.

SECTION 166. IC 6-1.1-37-7.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2009]: Sec. 7.5. A person who fails to provide, within forty-five (45) days after the filing deadline, evidence of the filing of a personal property return to the **county** assessor ~~of the township in which the owner resides~~, as required under IC 6-1.1-3-1(d), shall pay to the ~~township in which the owner resides~~, **county** a penalty equal to ten percent (10%) of the tax liability.

SECTION 167. IC 6-1.1-37-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2009]: Sec. 8. A ~~township~~ **county** assessor shall inform the county auditor of any vending machine which does not, as required under ~~IC 1971~~, IC 6-1.1-3-8, have an identification device on its face. The county auditor shall then add a one dollar ~~(\$1.00)~~ **(\$1)** penalty to the next property tax installment of the person on whose premises the machine is located.

SECTION 168. IC 6-1.1-41-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2009]: Sec. 3. (a) A political subdivision that decides to establish a fund under this chapter must:

- (1) give notice of the proposal to the affected taxpayers; and
- (2) hold a public hearing on the proposal;

before presenting the proposal to the ~~department of local government finance~~ **county board of tax and capital projects review** for approval.

(b) Notice of the proposal and of the public hearing shall be given by publication in accordance with IC 5-3-1.

(c) For a cumulative fund authorized under IC 3-11-6 or IC 8-10-5-17, the political subdivision imposing a property tax levy shall post a notice of the proposal and the public hearing in three (3) public places in the political subdivision.

(d) A notice required by this section must describe the tax levy that will be imposed for the fund.



1 SECTION 169. IC 6-1.1-41-4 IS AMENDED TO READ AS
 2 FOLLOWS [EFFECTIVE JANUARY 1, 2009]: Sec. 4. A political
 3 subdivision that in any year adopts a proposal under this chapter must
 4 submit the proposal to the ~~department of local government finance~~
 5 **county board of tax and capital projects review** before August 2 of
 6 that year.

7 SECTION 170. IC 6-1.1-42-27 IS AMENDED TO READ AS
 8 FOLLOWS [EFFECTIVE JANUARY 1, 2009]: Sec. 27. (a) A property
 9 owner who desires to obtain the deduction provided by section 24 of
 10 this chapter must file a certified deduction application, on forms
 11 prescribed by the department of local government finance, with the
 12 auditor of the county in which the property is located. Except as
 13 otherwise provided in subsection (b) or (e), the deduction application
 14 must be filed before May 10 of the year in which the addition to
 15 assessed valuation is made.

16 (b) If notice of the addition to assessed valuation or new assessment
 17 for any year is not given to the property owner before April 10 of that
 18 year, the deduction application required by this section may be filed not
 19 later than thirty (30) days after the date such a notice is mailed to the
 20 property owner at the address shown on the records of the ~~township~~
 21 **county** assessor.

22 (c) The certified deduction application required by this section must
 23 contain the following information:

- 24 (1) The name of each owner of the property.
- 25 (2) A certificate of completion of a voluntary remediation under
 26 IC 13-25-5-16.
- 27 (3) Proof that each owner who is applying for the deduction:
 - 28 (A) has never had an ownership interest in an entity that
 29 contributed; and
 - 30 (B) has not contributed;
 31 a contaminant (as defined in IC 13-11-2-42) that is the subject of
 32 the voluntary remediation, as determined under the written
 33 standards adopted by the department of environmental
 34 management.
- 35 (4) Proof that the deduction was approved by the appropriate
 36 designating body.
- 37 (5) A description of the property for which a deduction is claimed
 38 in sufficient detail to afford identification.
- 39 (6) The assessed value of the improvements before remediation
 40 and redevelopment.
- 41 (7) The increase in the assessed value of improvements resulting
 42 from remediation and redevelopment.



(8) The amount of the deduction claimed for the first year of the deduction.

(d) A certified deduction application filed under subsection (a) or (b) is applicable for the year in which the addition to assessed value or assessment of property is made and each subsequent year to which the deduction applies under the resolution adopted under section 24 of this chapter.

(e) A property owner who desires to obtain the deduction provided by section 24 of this chapter but who has failed to file a deduction application within the dates prescribed in subsection (a) or (b) may file a deduction application between March 1 and May 10 of a subsequent year which is applicable for the year filed and the subsequent years without any additional certified deduction application being filed for the amounts of the deduction which would be applicable to such years under this chapter if such a deduction application had been filed in accordance with subsection (a) or (b).

(f) On verification of the correctness of a certified deduction application by the **county** assessor, ~~of the township in which the property is located~~ the county auditor shall, if the property is covered by a resolution adopted under section 24 of this chapter, make the appropriate deduction.

(g) The amount and period of the deduction provided for property by section 24 of this chapter are not affected by a change in the ownership of the property if the new owner of the property:

(1) is a person that:

(A) has never had an ownership interest in an entity that contributed; and

(B) has not contributed;

a contaminant (as defined in IC 13-11-2-42) that is the subject of the voluntary remediation, as determined under the written standards adopted by the department of environmental management;

(2) continues to use the property in compliance with any standards established under sections 7 and 23 of this chapter; and

(3) files an application in the manner provided by subsection (e).

(h) The ~~township~~ **county** assessor shall include a notice of the deadlines for filing a deduction application under subsections (a) and (b) with each notice to a property owner of an addition to assessed value or of a new assessment.

SECTION 171. IC 6-1.1-45.5-3, AS ADDED BY P.L.208-2005, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2009]: Sec. 3. On receipt of a petition under section 2 of



1 this chapter, the county auditor shall determine whether the petition is
 2 complete. If the petition is not complete, the county auditor shall return
 3 the petition to the petitioner and describe the defects in the petition.
 4 The petitioner may correct the defects and file the completed petition
 5 with the county auditor. On receipt of a complete petition, the county
 6 auditor shall forward a copy of the complete petition to:

- 7 (1) the **county** assessor; ~~of the township in which the brownfield~~
 8 ~~is located;~~
- 9 (2) the owner, if different from the petitioner;
- 10 (3) all persons that have, as of the date of the filing of the petition,
 11 a substantial property interest of public record in the brownfield;
- 12 (4) the board;
- 13 (5) the fiscal body;
- 14 (6) the department of environmental management; and
- 15 (7) the department.

16 SECTION 172. IC 6-1.1-45.5-4, AS ADDED BY P.L.208-2005,
 17 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 18 JANUARY 1, 2009]: Sec. 4. On receipt of a complete petition as
 19 provided under sections 2 and 3 of this chapter, the board shall at its
 20 earliest opportunity conduct a public hearing on the petition. The board
 21 shall give notice of the date, time, and place fixed for the hearing:

- 22 (1) by mail to:
- 23 (A) the petitioner;
- 24 (B) the owner, if different from the petitioner;
- 25 (C) all persons that have, as of the date the petition was filed,
 26 a substantial interest of public record in the brownfield; and
- 27 (D) the **county** assessor; ~~of the township in which the~~
 28 ~~brownfield is located;~~ and
- 29 (2) under IC 5-3-1.

30 SECTION 173. IC 6-1.1-45.5-8, AS ADDED BY P.L.208-2005,
 31 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 32 JANUARY 1, 2009]: Sec. 8. (a) The department shall give notice of its
 33 determination under section 7 of this chapter and the right to seek an
 34 appeal of the determination by mail to:

- 35 (1) the petitioner;
- 36 (2) the owner, if different from the petitioner;
- 37 (3) all persons that have, as of the date the petition was filed
 38 under section 2 of this chapter, a substantial property interest of
 39 public record in the brownfield;
- 40 (4) the **county** assessor; ~~of the township in which the brownfield~~
 41 ~~is located;~~
- 42 (5) the board;



1 (6) the fiscal body; and

2 (7) the county auditor.

3 (b) A person aggrieved by a determination of the department under
4 section 7 of this chapter may obtain an additional review by the
5 department and a public hearing by filing a petition for review with the
6 county auditor of the county in which the brownfield is located not
7 more than thirty (30) days after the department gives notice of the
8 determination under subsection (a). The county auditor shall transmit
9 the petition to the department not more than ten (10) days after the
10 petition is filed.

11 (c) On receipt by the department of a petition for review, the
12 department shall set a date, time, and place for a hearing. At least ten
13 (10) days before the date fixed for the hearing, the department shall
14 give notice by mail of the date, time, and place fixed for the hearing to:

15 (1) the person that filed the appeal;

16 (2) the petitioner;

17 (3) the owner, if different from the petitioner;

18 (4) all persons that have, as of the date the petition is filed, a
19 substantial interest of public record in the brownfield;

20 (5) the **county** assessor; ~~of the township in which the brownfield~~
21 ~~is located;~~

22 (6) the board;

23 (7) the fiscal body; and

24 (8) the county auditor.

25 (d) After the hearing, the department shall give the parties listed in
26 subsection (c) notice by mail of the final determination of the
27 department. The department's final determination under this subsection
28 is subject to the limitations in subsections (f)(2) and (g).

29 (e) The petitioner under section 2 of this chapter shall provide to the
30 county auditor reasonable proof of ownership of the brownfield:

31 (1) if a petition is not filed under subsection (b), at least thirty
32 (30) days but not more than one hundred twenty (120) days after
33 notice is given under subsection (a); or

34 (2) after notice is given under subsection (d) but not more than
35 ninety (90) days after notice is given under subsection (d).

36 (f) The county auditor:

37 (1) shall, subject to subsection (g), reduce or remove the
38 delinquent tax liability on the tax duplicate in the amount stated
39 in:

40 (A) if a petition is not filed under subsection (b), the
41 determination of the department under section 7 of this
42 chapter; or



1 (B) the final determination of the department under this
 2 section;
 3 not more than thirty (30) days after receipt of the proof of
 4 ownership required in subsection (e); and
 5 (2) may not reduce or remove any delinquent tax liability on the
 6 tax duplicate if the petitioner under section 2 of this chapter fails
 7 to provide proof of ownership as required in subsection (e).

8 (g) A reduction or removal of delinquent tax liability under
 9 subsection (f) applies until the county auditor makes a determination
 10 under this subsection. After the date referred to in section 2(6) of this
 11 chapter, the county auditor shall determine if the petitioner successfully
 12 completed the plan described in section 2(5) of this chapter by that
 13 date. If the county auditor determines that the petitioner completed the
 14 plan by that date, the reduction or removal of delinquent tax liability
 15 under subsection (f) becomes permanent. If the county auditor
 16 determines that the petitioner did not complete the plan by that date,
 17 the county auditor shall restore to the tax duplicate the delinquent taxes
 18 reduced or removed under subsection (f), along with interest in the
 19 amount that would have applied if the delinquent taxes had not been
 20 reduced or removed.

21 SECTION 174. IC 6-1.5-5-2, AS AMENDED BY P.L.219-2007,
 22 SECTION 89, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 23 JANUARY 1, 2009]: Sec. 2. (a) After receiving a petition for review
 24 that is filed under a statute listed in section 1(a) of this chapter, the
 25 Indiana board shall, at its earliest opportunity:

26 (1) conduct a hearing; or
 27 (2) cause a hearing to be conducted by an administrative law
 28 judge.

29 The Indiana board may determine to conduct the hearing under
 30 subdivision (1) on its own motion or on request of a party to the appeal.

31 (b) In its resolution of a petition, the Indiana board may correct any
 32 errors that may have been made and adjust the assessment in
 33 accordance with the correction.

34 (c) The Indiana board shall give notice of the date fixed for the
 35 hearing by mail to:

36 (1) the taxpayer;
 37 (2) the department of local government finance; and
 38 (3) the appropriate:
 39 ~~(A) township assessor;~~
 40 ~~(B) (A) county assessor;~~ and
 41 ~~(C) (B) county auditor.~~

42 (d) With respect to an appeal of the assessment of real property or



personal property filed after June 30, 2005, the notices required under subsection (c) must include the following:

- (1) The action of the department of local government finance with respect to the appealed items.
- (2) A statement that a taxing unit receiving the notice from the county auditor under subsection (e) may:
 - (A) attend the hearing;
 - (B) offer testimony; and
 - (C) file an amicus curiae brief in the proceeding.

(e) If, after receiving notice of a hearing under subsection (c), the county auditor determines that the assessed value of the appealed items constitutes at least one percent (1%) of the total gross certified assessed value of a particular taxing unit for the assessment date immediately preceding the assessment date for which the appeal was filed, the county auditor shall send a copy of the notice to the affected taxing unit. A taxing unit that receives a notice from the county auditor under this subsection is not a party to the appeal. Failure of the county auditor to send a copy of the notice to the affected taxing unit does not affect the validity of the appeal or delay the appeal.

(f) The Indiana board shall give the notices required under subsection (c) at least thirty (30) days before the day fixed for the hearing.

SECTION 175. IC 6-1.5-5-5, AS AMENDED BY P.L.154-2006, SECTION 63, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2009]: Sec. 5. After the hearing, the Indiana board shall give the petitioner, ~~the township assessor~~, the county assessor, the county auditor, and the department of local government finance:

- (1) notice, by mail, of its final determination, findings of fact, and conclusions of law; and
- (2) notice of the procedures the petitioner or the department of local government finance must follow in order to obtain court review of the final determination of the Indiana board.

The county auditor shall provide copies of the documents described in subdivisions (1) and (2) to the taxing units entitled to notice under section 2(e) of this chapter.

SECTION 176. IC 6-2.5-2-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2008 (RETROACTIVE)]: Sec. 2.

(a) The state gross retail tax is measured by the gross retail income received by a retail merchant in a retail unitary transaction and is imposed at the following rates:

STATE	GROSS RETAIL INCOME
GROSS	FROM THE



1	RETAIL	RETAIL UNITARY	
2	TAX	TRANSACTION	
3	\$ 0	less than	\$0.09
4	\$ 0.01	at least \$ 0.09 but less than	\$0.25
5	\$ 0.02	at least \$ 0.25 but less than	\$0.42
6	\$ 0.03	at least \$ 0.42 but less than	\$0.59
7	\$ 0.04	at least \$ 0.59 but less than	\$0.75
8	\$ 0.05	at least \$ 0.75 but less than	\$0.92
9	\$ 0.06	at least \$ 0.92 but less than	\$1.09
10	\$ 0	less than	\$0.08
11	\$ 0.01	at least \$ 0.08 but less than	\$0.22
12	\$ 0.02	at least \$ 0.22 but less than	\$0.36
13	\$ 0.03	at least \$ 0.36 but less than	\$0.50
14	\$ 0.04	at least \$ 0.50 but less than	\$0.65
15	\$ 0.05	at least \$ 0.65 but less than	\$0.79
16	\$ 0.06	at least \$ 0.79 but less than	\$0.92
17	\$ 0.07	at least \$ 0.92 but less than	\$1.08

On a retail unitary transaction in which the gross retail income received by the retail merchant is one dollar and ~~nine eight~~ **eight** cents (~~\$1.09~~) (**\$1.08**) or more, the state gross retail tax is ~~six seven~~ percent (~~6%~~) (**7%**) of that gross retail income.

(b) If the tax computed under subsection (a) results in a fraction of one-half cent (\$0.005) or more, the amount of the tax shall be rounded to the next additional cent.

SECTION 177. IC 6-2.5-6-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2008 (RETROACTIVE)]: Sec. 7. Except as otherwise provided in IC 6-2.5-7 or in this chapter, a retail merchant shall pay to the department, for a particular reporting period, an amount equal to the product of:

(1) ~~six seven~~ percent (~~6%~~) (**7%**); multiplied by

(2) the retail merchant's total gross retail income from taxable transactions made during the reporting period.

The amount determined under this section is the retail merchant's state gross retail and use tax liability regardless of the amount of tax he actually collects.

SECTION 178. IC 6-2.5-6-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2008 (RETROACTIVE)]: Sec. 8.

(a) For purposes of determining the amount of state gross retail and use taxes which ~~he a retail merchant~~ must remit under section 7 of this chapter, ~~a the~~ retail merchant may exclude from ~~his the retail merchant's~~ gross retail income from retail transactions made during a particular reporting period, an amount equal to the product of:



- (1) the amount of that gross retail income; multiplied by
- (2) the retail merchant's "income exclusion ratio" for the tax year which contains the reporting period.

(b) A retail merchant's "income exclusion ratio" for a particular tax year equals a fraction, the numerator of which is the retail merchant's estimated total gross retail income for the tax year from unitary retail transactions which produce gross retail income of less than ~~nine~~ **eight** cents (~~\$0.09~~) (**\$0.08**) each, and the denominator of which is the retail merchant's estimated total gross retail income for the tax year from all retail transactions.

(c) In order to minimize a retail merchant's recordkeeping requirements, the department shall prescribe a procedure for determining the retail merchant's income exclusion ratio for a tax year, based on a period of time, not to exceed fifteen (15) consecutive days, during the first quarter of the retail merchant's tax year. However, the period of time may be changed if the change is requested by the retail merchant because of ~~his~~ **the retail merchant's** peculiar accounting procedures or marketing factors. In addition, if a retail merchant has multiple sales locations or diverse types of sales, the department shall permit the retail merchant to determine the ratio on the basis of a representative sampling of the locations and types of sales.

SECTION 179. IC 6-2.5-6-10, AS AMENDED BY P.L.211-2007, SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2008 (RETROACTIVE)]: Sec. 10. (a) In order to compensate retail merchants for collecting and timely remitting the state gross retail tax and the state use tax, every retail merchant, except a retail merchant referred to in subsection (c), is entitled to deduct and retain from the amount of those taxes otherwise required to be remitted under IC 6-2.5-7-5 or under this chapter, if timely remitted, a retail merchant's collection allowance.

(b) The allowance equals a percentage of the retail merchant's state gross retail and use tax liability accrued during a calendar year, specified as follows:

- (1) Eighty-three hundredths percent (0.83%), if the retail merchant's state gross retail and use tax liability accrued during the state fiscal year ending on June 30 of the immediately preceding calendar year did not exceed sixty thousand dollars (\$60,000).
- (2) Six-tenths percent (0.6%), if the retail merchant's state gross retail and use tax liability accrued during the state fiscal year ending on June 30 of the immediately preceding calendar year:
 - (A) was greater than sixty thousand dollars (\$60,000); and



1 (B) did not exceed six hundred thousand dollars (\$600,000).
 2 (3) ~~Three-tenths~~ **Twenty-five hundredths** percent ~~(0.3%)~~;
 3 **(0.25%)**, if the retail merchant's state gross retail and use tax
 4 liability accrued during the state fiscal year ending on June 30 of
 5 the immediately preceding calendar year was greater than six
 6 hundred thousand dollars (\$600,000).

7 (c) A retail merchant described in IC 6-2.5-4-5 or IC 6-2.5-4-6 is not
 8 entitled to the allowance provided by this section.

9 SECTION 180. IC 6-2.5-7-3 IS AMENDED TO READ AS
 10 FOLLOWS [EFFECTIVE APRIL 1, 2008 (RETROACTIVE)]: Sec. 3.

11 (a) With respect to the sale of gasoline which is dispensed from a
 12 metered pump, a retail merchant shall collect, for each unit of gasoline
 13 sold, state gross retail tax in an amount equal to the product, rounded
 14 to the nearest one-tenth of one cent (\$0.001), of:

15 (1) the price per unit before the addition of state and federal taxes;
 16 multiplied by

17 (2) ~~six seven~~ percent ~~(6%)~~: **(7%)**.

18 The retail merchant shall collect the state gross retail tax prescribed in
 19 this section even if the transaction is exempt from taxation under
 20 IC 6-2.5-5.

21 (b) With respect to the sale of special fuel or kerosene which is
 22 dispensed from a metered pump, unless the purchaser provides an
 23 exemption certificate in accordance with IC 6-2.5-8-8, a retail merchant
 24 shall collect, for each unit of special fuel or kerosene sold, state gross
 25 retail tax in an amount equal to the product, rounded to the nearest
 26 one-tenth of one cent (\$0.001), of:

27 (1) the price per unit before the addition of state and federal taxes;
 28 multiplied by

29 (2) ~~six seven~~ percent ~~(6%)~~: **(7%)**.

30 Unless the exemption certificate is provided, the retail merchant shall
 31 collect the state gross retail tax prescribed in this section even if the
 32 transaction is exempt from taxation under IC 6-2.5-5.

33 SECTION 181. IC 6-2.5-7-5, AS AMENDED BY P.L.182-2007,
 34 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 35 APRIL 1, 2008 (RETROACTIVE)]: Sec. 5. (a) Each retail merchant
 36 who dispenses gasoline or special fuel from a metered pump shall, in
 37 the manner prescribed in IC 6-2.5-6, report to the department the
 38 following information:

39 (1) The total number of gallons of gasoline sold from a metered
 40 pump during the period covered by the report.

41 (2) The total amount of money received from the sale of gasoline
 42 described in subdivision (1) during the period covered by the



- 1 report.
- 2 (3) That portion of the amount described in subdivision (2) which
- 3 represents state and federal taxes imposed under this article,
- 4 IC 6-6-1.1, or Section 4081 of the Internal Revenue Code.
- 5 (4) The total number of gallons of special fuel sold from a
- 6 metered pump during the period covered by the report.
- 7 (5) The total amount of money received from the sale of special
- 8 fuel during the period covered by the report.
- 9 (6) That portion of the amount described in subdivision (5) that
- 10 represents state and federal taxes imposed under this article,
- 11 IC 6-6-2.5, or Section 4041 of the Internal Revenue Code.
- 12 (7) The total number of gallons of E85 sold from a metered pump
- 13 during the period covered by the report.
- 14 (b) Concurrently with filing the report, the retail merchant shall
- 15 remit the state gross retail tax in an amount which equals ~~five six~~ and
- 16 ~~sixty-six~~ **fifty-four** hundredths percent (~~5.66%~~) (**6.54%**) of the gross
- 17 receipts, including state gross retail taxes but excluding Indiana and
- 18 federal gasoline and special fuel taxes, received by the retail merchant
- 19 from the sale of the gasoline and special fuel that is covered by the
- 20 report and on which the retail merchant was required to collect state
- 21 gross retail tax. The retail merchant shall remit that amount regardless
- 22 of the amount of state gross retail tax which ~~he~~ **the merchant** has
- 23 actually collected under this chapter. However, the retail merchant is
- 24 entitled to deduct and retain the amounts prescribed in subsection (c),
- 25 IC 6-2.5-6-10, and IC 6-2.5-6-11.
- 26 (c) A retail merchant is entitled to deduct from the amount of state
- 27 gross retail tax required to be remitted under subsection (b) the amount
- 28 determined under STEP THREE of the following formula:
- 29 STEP ONE: Determine:
- 30 (A) the sum of the prepayment amounts made during the
- 31 period covered by the retail merchant's report; minus
- 32 (B) the sum of prepayment amounts collected by the retail
- 33 merchant, in the merchant's capacity as a qualified distributor,
- 34 during the period covered by the retail merchant's report.
- 35 STEP TWO: Subject to subsection (d), for reporting periods
- 36 ending before July 1, 2020, determine the product of:
- 37 (A) eighteen cents (\$0.18); multiplied by
- 38 (B) the number of gallons of E85 sold at retail by the retail
- 39 merchant during the period covered by the retail merchant's
- 40 report.
- 41 STEP THREE: Add the amounts determined under STEPS ONE
- 42 and TWO.



1 For purposes of this section, a prepayment of the gross retail tax is
2 presumed to occur on the date on which it is invoiced.

3 (d) The total amount of deductions allowed under subsection (c)
4 STEP TWO may not exceed one million dollars (\$1,000,000) for all
5 retail merchants in all reporting periods. A retail merchant is not
6 required to apply for an allocation of deductions under subsection (c)
7 STEP TWO. If the department determines that the sum of:

8 (1) the deductions that would otherwise be reported under
9 subsection (c) STEP TWO for a reporting period; plus

10 (2) the total amount of deductions granted under subsection (c)
11 STEP TWO in all preceding reporting periods;

12 will exceed one million dollars (\$1,000,000), the department shall
13 publish in the Indiana Register a notice that the deduction program
14 under subsection (c) STEP TWO is terminated after the date specified
15 in the notice and that no additional deductions will be granted for retail
16 transactions occurring after the date specified in the notice.

17 SECTION 182. IC 6-2.5-8-1, AS AMENDED BY P.L.219-2007,
18 SECTION 91, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
19 JANUARY 1, 2009]: Sec. 1. (a) A retail merchant may not make a
20 retail transaction in Indiana, unless the retail merchant has applied for
21 a registered retail merchant's certificate.

22 (b) A retail merchant may obtain a registered retail merchant's
23 certificate by filing an application with the department and paying a
24 registration fee of twenty-five dollars (\$25) for each place of business
25 listed on the application. The retail merchant shall also provide such
26 security for payment of the tax as the department may require under
27 IC 6-2.5-6-12.

28 (c) The retail merchant shall list on the application the location
29 (including the township) of each place of business where the retail
30 merchant makes retail transactions. However, if the retail merchant
31 does not have a fixed place of business, the retail merchant shall list the
32 retail merchant's residence as the retail merchant's place of business. In
33 addition, a public utility may list only its principal Indiana office as its
34 place of business for sales of public utility commodities or service, but
35 the utility must also list on the application the places of business where
36 it makes retail transactions other than sales of public utility
37 commodities or service.

38 (d) Upon receiving a proper application, the correct fee, and the
39 security for payment, if required, the department shall issue to the retail
40 merchant a separate registered retail merchant's certificate for each
41 place of business listed on the application. Each certificate shall bear
42 a serial number and the location of the place of business for which it is



1 issued.

2 (e) If a retail merchant intends to make retail transactions during a
3 calendar year at a new Indiana place of business, the retail merchant
4 must file a supplemental application and pay the fee for that place of
5 business.

6 (f) A registered retail merchant's certificate is valid for two (2) years
7 after the date the registered retail merchant's certificate is originally
8 issued or renewed. If the retail merchant has filed all returns and
9 remitted all taxes the retail merchant is currently obligated to file or
10 remit, the department shall renew the registered retail merchant's
11 certificate within thirty (30) days after the expiration date, at no cost to
12 the retail merchant.

13 (g) The department may not renew a registered retail merchant
14 certificate of a retail merchant who is delinquent in remitting sales or
15 use tax. The department, at least sixty (60) days before the date on
16 which a retail merchant's registered retail merchant's certificate expires,
17 shall notify a retail merchant who is delinquent in remitting sales or use
18 tax that the department will not renew the retail merchant's registered
19 retail merchant's certificate.

20 (h) A retail merchant engaged in business in Indiana as defined in
21 IC 6-2.5-3-1(c) who makes retail transactions that are only subject to
22 the use tax must obtain a registered retail merchant's certificate before
23 making those transactions. The retail merchant may obtain the
24 certificate by following the same procedure as a retail merchant under
25 subsections (b) and (c), except that the retail merchant must also
26 include on the application:

- 27 (1) the names and addresses of the retail merchant's principal
- 28 employees, agents, or representatives who engage in Indiana in
- 29 the solicitation or negotiation of the retail transactions;
- 30 (2) the location of all of the retail merchant's places of business in
- 31 Indiana, including offices and distribution houses; and
- 32 (3) any other information that the department requests.

33 (i) The department may permit an out-of-state retail merchant to
34 collect the use tax. However, before the out-of-state retail merchant
35 may collect the tax, the out-of-state retail merchant must obtain a
36 registered retail merchant's certificate in the manner provided by this
37 section. Upon receiving the certificate, the out-of-state retail merchant
38 becomes subject to the same conditions and duties as an Indiana retail
39 merchant and must then collect the use tax due on all sales of tangible
40 personal property that the out-of-state retail merchant knows is
41 intended for use in Indiana.

42 (j) ~~Except as provided in subsection (k);~~ The department shall



submit to the ~~township~~ **county** assessor before July 15 of each year:

- (1) the name of each retail merchant that has newly obtained a registered retail merchant's certificate between March 2 of the preceding year and March 1 of the current year for a place of business located in the ~~township~~ **county**; and
- (2) the address of each place of business of the taxpayer in the ~~township~~ **county**.

~~(k) If the duties of the township assessor have been transferred to the county assessor as described in IC 6-1.1-1-24, the department shall submit the information listed in subsection (j) to the county assessor.~~

SECTION 183. IC 6-2.5-10-1, AS AMENDED BY P.L.234-2007, SECTION 40, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE MAY 1, 2008]: Sec. 1. (a) The department shall account for all state gross retail and use taxes that it collects.

(b) The department shall deposit those collections in the following manner:

~~(1) Fifty percent (50%) of the collections shall be paid into the property tax replacement fund established under IC 6-1.1-21.~~

~~(2) (1) Forty-nine Ninety-nine and sixty-seven one hundred ninety-six thousandths percent (49.067%) (99.196%) of the collections shall be paid into the state general fund.~~

~~(3) (2) Seventy-six hundredths six hundred fifty-four thousandths of one percent (0.76%) (0.654%) of the collections shall be paid into the public mass transportation fund established by IC 8-23-3-8.~~

~~(4) (3) Thirty-three Twenty-eight thousandths of one percent (0.033%) (0.028%) of the collections shall be deposited into the industrial rail service fund established under IC 8-3-1.7-2.~~

~~(5) (4) Fourteen-hundredths One hundred twenty-two thousandths of one percent (0.14%) (0.122%) of the collections shall be deposited into the commuter rail service fund established under IC 8-3-1.5-20.5.~~

SECTION 184. IC 6-3-7-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2009]: Sec. 3. (a) All revenues derived from collection of the adjusted gross income tax imposed on corporations shall be deposited in the state general fund.

(b) All revenues derived from collection of the adjusted gross income tax imposed on persons shall be deposited ~~as follows:~~

~~(1) Eighty-six percent (86%) in the state general fund.~~

~~(2) Fourteen percent (14%) in the property tax replacement fund.~~

SECTION 185. IC 6-3.5-1.1-10, AS AMENDED BY P.L.224-2007, SECTION 62, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE



UPON PASSAGE]: Sec. 10. (a) Except as provided in subsection (b), one-half (1/2) of each adopting county's certified distribution for a calendar year shall be distributed from its account established under section 8 of this chapter to the appropriate county treasurer on May 1 and the other one-half (1/2) on November 1 of that calendar year.

(b) This subsection applies to a county having a population of more than one hundred forty-five thousand (145,000) but less than one hundred forty-eight thousand (148,000). Notwithstanding section 9 of this chapter, the initial certified distribution certified for a county under section 9 of this chapter shall be distributed to the county treasurer from the account established for the county under section 8 of this chapter according to the following schedule during the eighteen (18) month period beginning on July 1 of the year in which the county initially adopts an ordinance under section 2 of this chapter:

(1) One-fourth (1/4) on October 1 of the calendar year in which the ordinance was adopted.

(2) One-fourth (1/4) on January 1 of the calendar year following the year in which the ordinance was adopted.

(3) One-fourth (1/4) on May 1 of the calendar year following the year in which the ordinance was adopted.

(4) One-fourth (1/4) on November 1 of the calendar year following the year in which the ordinance was adopted.

Notwithstanding section 11 of this chapter, the part of the certified distribution received under subdivision (1) that would otherwise be allocated to a civil taxing unit or school corporation as property tax replacement credits under section 11 of this chapter shall be set aside and treated for the calendar year when received by the civil taxing unit or school corporation as a levy excess subject to IC 6-1.1-18.5-17 or IC 20-44-3. Certified distributions made to the county treasurer for calendar years following the eighteen (18) month period described in this subsection shall be made as provided in subsection (a).

(c) Except for:

(1) revenue that must be used to pay the costs of:

(A) financing, constructing, acquiring, improving, renovating, equipping, operating, or maintaining facilities and buildings;

(B) debt service on bonds; or

(C) lease rentals;

under section 2.3 of this chapter;

(2) revenue that must be used to pay the costs of operating a jail and juvenile detention center under section 2.5(d) of this chapter;

(3) revenue that must be used to pay the costs of:

(A) financing, constructing, acquiring, improving, renovating,



- 1 equipping, operating, or maintaining facilities and buildings;
- 2 (B) debt service on bonds; or
- 3 (C) lease rentals;
- 4 under section 2.8 of this chapter;
- 5 (4) revenue that must be used to pay the costs of construction,
- 6 improvement, renovation, or remodeling of a jail and related
- 7 buildings and parking structures under section 2.7, 2.9, or 3.3 of
- 8 this chapter;
- 9 (5) revenue that must be used to pay the costs of operating and
- 10 maintaining a jail and justice center under section 3.5(d) of this
- 11 chapter;
- 12 (6) revenue that must be used to pay the costs of constructing,
- 13 acquiring, improving, renovating, or equipping a county
- 14 courthouse under section 3.6 of this chapter;
- 15 (7) revenue under section 2.6 of this chapter; or
- 16 (8) revenue attributable to a tax rate under section 24 ~~or 25 or 26~~
- 17 of this chapter;
- 18 distributions made to a county treasurer under subsections (a) and (b)
- 19 shall be treated as though they were property taxes that were due and
- 20 payable during that same calendar year. Except as provided by
- 21 subsection (b) and sections 24 ~~and 25 and 26~~ of this chapter, the
- 22 certified distribution shall be distributed and used by the taxing units
- 23 and school corporations as provided in sections 11 through 15 of this
- 24 chapter.
- 25 (d) All distributions from an account established under section 8 of
- 26 this chapter shall be made by warrants issued by the auditor of the state
- 27 to the treasurer of the state ordering the appropriate payments.
- 28 SECTION 186. IC 6-3.5-1.1-24, AS ADDED BY P.L.224-2007,
- 29 SECTION 66, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 30 UPON PASSAGE]: Sec. 24. (a) In a county in which the county
- 31 adjusted gross income tax is in effect, the county council may, before
- 32 August 1 of a year, adopt an ordinance to impose or increase (as
- 33 applicable) a tax rate under this section.
- 34 (b) In a county in which neither the county adjusted gross income
- 35 tax nor the county option income tax is in effect, the county council
- 36 may, before August 1 of a year, adopt an ordinance to impose a tax rate
- 37 under this section.
- 38 (c) An ordinance adopted under this section takes effect October 1
- 39 of the year in which the ordinance is adopted. If a county council
- 40 adopts an ordinance to impose or increase a tax rate under this section,
- 41 the county auditor shall send a certified copy of the ordinance to the
- 42 department and the department of local government finance by



1 certified mail.

2 (d) A tax rate under this section is in addition to any other tax rates
3 imposed under this chapter and does not affect the purposes for which
4 other tax revenue under this chapter may be used.

5 (e) The following apply only in the year in which a county council
6 first imposes a tax rate under this section:

7 (1) The county council shall, in the ordinance imposing the tax
8 rate, specify the tax rate for each of the following two (2) years:

9 (2) The tax rate that must be imposed in the county from October
10 1 of the year in which the tax rate is imposed through September
11 30 of the following year is equal to the result of:

12 (A) the tax rate determined for the county under
13 IC 6-3.5-1.5-1(a) in the year in which the tax rate is increased;
14 multiplied by

15 (B) two (2):

16 (3) The tax rate that must be imposed in the county from October
17 1 of the following year through September 30 of the year after the
18 following year is the tax rate determined for the county under
19 IC 6-3.5-1.5-1(b). The tax rate under this subdivision continues
20 in effect in later years unless the tax rate is increased under this
21 section:

22 (4) The levy limitations in IC 6-1.1-18.5-3(g), IC 6-1.1-18.5-3(h),
23 IC 12-19-7-4(b), IC 12-19-7.5-6(b), and IC 12-29-2-2(c) apply to
24 property taxes first due and payable in the ensuing calendar year
25 and to property taxes first due and payable in the calendar year
26 after the ensuing calendar year:

27 (f) The following apply only in a year in which a county council
28 increases a tax rate under this section:

29 (1) The county council shall, in the ordinance increasing the tax
30 rate, specify the tax rate for the following year:

31 (2) The tax rate that must be imposed in the county from October
32 1 of the year in which the tax rate is increased through September
33 30 of the following year is equal to the result of:

34 (A) the tax rate determined for the county under
35 IC 6-3.5-1.5-1(a) in that year; plus

36 (B) the tax rate currently in effect in the county under this
37 section:

38 The tax rate under this subdivision continues in effect in later
39 years unless the tax rate is increased under this section:

40 (3) The levy limitations in IC 6-1.1-18.5-3(g), IC 6-1.1-18.5-3(h),
41 IC 12-19-7-4(b), IC 12-19-7.5-6(b), and IC 12-29-2-2(c) apply to
42 property taxes first due and payable in the ensuing calendar year:



(g) The department of local government finance shall determine the following property tax replacement distribution amounts:

STEP ONE: Determine the sum of the amounts determined under STEP ONE through STEP FOUR of IC 6-3.5-1.5-1(a) for the county in the preceding year:

STEP TWO: For distribution to each civil taxing unit that in the year had a maximum permissible property tax levy limited under IC 6-1.1-18.5-3(g), determine the result of:

(1) the quotient of:

(A) the part of the amount determined under STEP ONE of IC 6-3.5-1.5-1(a) in the preceding year that was attributable to the civil taxing unit; divided by

(B) the STEP ONE amount; multiplied by

(2) the tax revenue received by the county treasurer under this section:

STEP THREE: For distribution to the county for deposit in the county family and children's fund; determine the result of:

(1) the quotient of:

(A) the amount determined under STEP TWO of IC 6-3.5-1.5-1(a) in the preceding year; divided by

(B) the STEP ONE amount; multiplied by

(2) the tax revenue received by the county treasurer under this section:

STEP FOUR: For distribution to the county for deposit in the county children's psychiatric residential treatment services fund; determine the result of:

(1) the quotient of:

(A) the amount determined under STEP THREE of IC 6-3.5-1.5-1(a) in the preceding year; divided by

(B) the STEP ONE amount; multiplied by

(2) the tax revenue received by the county treasurer under this section:

STEP FIVE: For distribution to the county for community mental health center purposes; determine the result of:

(1) the quotient of:

(A) the amount determined under STEP FOUR of IC 6-3.5-1.5-1(a) in the preceding year; divided by

(B) the STEP ONE amount; multiplied by

(2) the tax revenue received by the county treasurer under this section:

Except as provided in subsection (m), the county treasurer shall distribute the portion of the certified distribution that is attributable to



1 a tax rate under this section as specified in this section. The county
2 treasurer shall make the distributions under this subsection at the same
3 time that distributions are made to civil taxing units under section 15
4 of this chapter.

5 (h) Notwithstanding sections 3.1 and 4 of this chapter, a county
6 council may not decrease or rescind a tax rate imposed under this
7 chapter.

8 (i) The tax rate under this section shall not be considered for
9 purposes of computing:

10 (1) the maximum income tax rate that may be imposed in a county
11 under section 2 of this chapter or any other provision of this
12 chapter; or

13 (2) the maximum permissible property tax levy under STEP
14 EIGHT of IC 6-1.1-18.5-3(b).

15 (j) The tax levy under this section shall not be considered for
16 purposes of computing the total county tax levy under
17 IC 6-1.1-21-2(g)(3), IC 6-1.1-21-2(g)(4), or IC 6-1.1-21-2(g)(5).

18 (k) A distribution under this section shall be treated as a part of the
19 receiving civil taxing unit's property tax levy for that year for purposes
20 of fixing the budget of the civil taxing unit and for determining the
21 distribution of taxes that are distributed on the basis of property tax
22 levies.

23 (l) If a county council imposes a tax rate under this section, the
24 portion of county adjusted gross income tax revenue dedicated to
25 property tax replacement credits under section 11 of this chapter may
26 not be decreased.

27 (m) In the year following the year in a which a county first imposes
28 a tax rate under this section, one-half (1/2) of the tax revenue that is
29 attributable to the tax rate under this section must be deposited in the
30 county stabilization fund established under subsection (o).

31 (n) A pledge of county adjusted gross income taxes does not apply
32 to revenue attributable to a tax rate under this section.

33 (o) A county stabilization fund is established in each county that
34 imposes a tax rate under this section. The county stabilization fund
35 shall be administered by the county auditor. If for a year the certified
36 distributions attributable to a tax rate under this section exceed the
37 amount calculated under STEP ONE through STEP FOUR of
38 IC 6-3.5-1.5-1(a) that is used by the department of local government
39 finance and the department of state revenue to determine the tax rate
40 under this section, the excess shall be deposited in the county
41 stabilization fund. Money shall be distributed from the county
42 stabilization fund in a year by the county auditor to political



subdivisions entitled to a distribution of tax revenue attributable to the tax rate under this section if:

(1) the certified distributions attributable to a tax rate under this section are less than the amount calculated under STEP ONE through STEP FOUR of IC 6-3.5-1.5-1(a) that is used by the department of local government finance and the department of state revenue to determine the tax rate under this section for a year; or

(2) the certified distributions attributable to a tax rate under this section in a year are less than the certified distributions attributable to a tax rate under this section in the preceding year. However, subdivision (2) does not apply to the year following the first year in which certified distributions of revenue attributable to the tax rate under this section are distributed to the county.

(e) Revenues received from an income tax rate imposed under this section may be used for one (1) or more of the following purposes:

(1) To fund the amount of growth in a taxing unit's maximum levy that is permitted in a year under IC 6-1.1-18.5.

(2) To replace a taxing unit's revenues reduced as a result of the application of the credits authorized under IC 6-1.1-20.6, including the payment of debt service on bonds or lease rentals on leases as described in IC 6-1.1-18.5-8.

(3) To provide additional property tax relief.

The ordinance imposing a tax rate under this section must specify the purpose or purposes for which revenues from the tax rate will be used.

(f) The tax rate under this section may not be considered for purposes of computing:

(1) the maximum income tax rate that may be imposed in a county under section 2 of this chapter or any other provision of this chapter; or

(2) the maximum permissible property tax levy under IC 6-1.1-18.5-3.

(g) If a county council imposes a tax rate under this section, the part of county adjusted gross income tax revenue dedicated to property tax replacement credits under section 11 of this chapter may not be decreased.

~~(p)~~ **(h)** Notwithstanding any other provision, a tax rate imposed under this section may not exceed one percent (1%).

(i) Revenues from a tax rate imposed under this section shall be distributed to civil taxing units as follows:



1 (1) If the ordinance requires any revenues to be used to
 2 replace a civil taxing unit's revenues reduced as a result of the
 3 application of the credits under IC 6-1.1-20.6, revenues shall
 4 be distributed on a proportionate basis to each taxing unit in
 5 the county, including school corporations.

6 (2) After making any required distributions under subdivision
 7 (1), if the ordinance provides that any revenues are to be used
 8 to fund growth in a civil taxing unit's levy, revenues are first
 9 to be distributed to each civil taxing unit in an amount at least
 10 equal to the amount of levy growth calculated under
 11 IC 6-1.1-18.5-3.

12 (3) After making any distributions under subdivisions (1) and
 13 (2), if the ordinance provides that any revenues are to be used
 14 to provide property tax relief, revenues shall be held by the
 15 county auditor and applied uniformly to reduce property
 16 taxes as specified in the ordinance.

17 (j) A stabilization fund is established in each political
 18 subdivision that receives a distribution of revenues from an income
 19 tax imposed under this section. If for a year the political
 20 subdivision's certified distribution attributable to a tax rate under
 21 this section exceeds the limits imposed under IC 6-1.1-18.5-3, the
 22 excess tax revenue shall be deposited in the political subdivision's
 23 stabilization fund. Money from the stabilization fund shall be
 24 applied to the political subdivision's limits under IC 6-1.1-18.5-3 in
 25 the following year.

26 ~~(q)~~ (k) The department of local government finance and the
 27 department of state revenue may take any actions necessary to carry out
 28 the purposes of this section.

29 SECTION 187. IC 6-3.5-1.1-25, AS ADDED BY P.L.224-2007,
 30 SECTION 67, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 31 JULY 1, 2007 (RETROACTIVE)]: Sec. 25. (a) As used in this section,
 32 "public safety" refers to the following:

33 (1) A police and law enforcement system to preserve public peace
 34 and order.

35 (2) A firefighting and fire prevention system.

36 (3) Emergency ambulance services (as defined in
 37 IC 16-18-2-107).

38 (4) Emergency medical services (as defined in IC 16-18-2-110).

39 (5) Emergency action (as defined in IC 13-11-2-65).

40 (6) A probation department of a court.

41 (7) Confinement, supervision, services under a community
 42 corrections program (as defined in IC 35-38-2.6-2), or other



correctional services for a person who has been:

(A) diverted before a final hearing or trial under an agreement that is between the county prosecuting attorney and the person or the person's custodian, guardian, or parent and that provides for confinement, supervision, community corrections services, or other correctional services instead of a final action described in clause (B) or (C);

(B) convicted of a crime; or

(C) adjudicated as a delinquent child or a child in need of services.

(8) A juvenile detention facility under IC 31-31-8.

(9) A juvenile detention center under IC 31-31-9.

(10) A county jail.

(11) A communications system (as defined in IC 36-8-15-3) or an enhanced emergency telephone system (as defined in IC 36-8-16-2).

(12) Medical and health expenses for jail inmates and other confined persons.

(13) Pension payments for any of the following:

(A) A member of the fire department (as defined in IC 36-8-1-8) or any other employee of a fire department.

(B) A member of the police department (as defined in IC 36-8-1-9), a police chief hired under a waiver under IC 36-8-4-6.5, or any other employee hired by a police department.

(C) A county sheriff or any other member of the office of the county sheriff.

(D) Other personnel employed to provide a service described in this section.

(b) If a county council has imposed a tax rate under section 24 of this chapter and has imposed a tax rate under section 26 of this chapter, the county council may **before January 1, 2008**, also adopt an ordinance to impose an additional tax rate under this section to provide funding for public safety.

(c) A tax rate under this section may not exceed the lesser of:

(A) twenty-five hundredths of one percent (0.25%); or

(B) the tax rate imposed under section 26 of this chapter.

(d) If a county council adopts an ordinance to impose a tax rate under this section, the county auditor shall send a certified copy of the ordinance to the department and the department of local government finance by certified mail.

(e) A tax rate under this section is in addition to any other tax rates



imposed under this chapter and does not affect the purposes for which other tax revenue under this chapter may be used.

(f) The county auditor shall distribute the portion of the certified distribution that is attributable to a tax rate under this section to the county and to each municipality in the county. The amount that shall be distributed to the county or municipality is equal to the result of:

(1) the portion of the certified distribution that is attributable to a tax rate under this section; multiplied by

(2) a fraction equal to:

(A) the attributed allocation amount (as defined in IC 6-3.5-1.1-15) of the county or municipality for the calendar year; divided by

(B) the sum of the attributed allocation amounts of the county and each municipality in the county for the calendar year.

The county auditor shall make the distributions required by this subsection not more than thirty (30) days after receiving the portion of the certified distribution that is attributable to a tax rate under this section. Tax revenue distributed to a county or municipality under this subsection must be deposited into a separate account or fund and may be appropriated by the county or municipality only for public safety purposes.

(g) The department of local government finance may not require a county or municipality receiving tax revenue under this section to reduce the county's or municipality's property tax levy for a particular year on account of the county's or municipality's receipt of the tax revenue.

(h) The tax rate under this section and the tax revenue attributable to the tax rate under this section shall not be considered for purposes of computing:

(1) the maximum income tax rate that may be imposed in a county under section 2 of this chapter or any other provision of this chapter;

(2) the maximum permissible property tax levy under ~~STEP EIGHT of IC 6-1.1-18.5-3(b)~~; **IC 6-1.1-18.5-3**; or

(3) the total county tax levy under IC 6-1.1-21-2(g)(3), IC 6-1.1-21-2(g)(4), or IC 6-1.1-21-2(g)(5).

(i) The tax rate under this section may be imposed or rescinded at the same time and in the same manner that the county may impose or increase a tax rate under section 24 of this chapter.

(j) The department of local government finance and the department of state revenue may take any actions necessary to carry out the purposes of this section.



1 **(k) An ordinance adopted under this section after December 31,**
 2 **2007, is void.**

3 SECTION 188. IC 6-3.5-1.1-27 IS ADDED TO THE INDIANA
 4 CODE AS A NEW SECTION TO READ AS FOLLOWS
 5 [EFFECTIVE UPON PASSAGE]: **Sec. 27. (a) This section applies to**
 6 **a county that adopted one (1) or more ordinances imposing a tax**
 7 **rate under section 24, 25, or 26 of this chapter before January 1,**
 8 **2008.**

9 **(b) Notwithstanding any other law, an ordinance described in**
 10 **this section remains in effect until the county council takes action**
 11 **to rescind or reduce an income tax rate imposed by the ordinance.**

12 **(c) Notwithstanding any other law, revenues from an income tax**
 13 **rate described in this section may be used for the purpose or**
 14 **purposes for which the ordinance was enacted.**

15 **(d) An income tax rate imposed under an ordinance described**
 16 **in this section may not be increased.**

17 **(e) Notwithstanding any other law, a county described in this**
 18 **section may adopt an additional ordinance under section 24 of this**
 19 **chapter for the purposes authorized under section 24 of this**
 20 **chapter. The maximum tax rate that a county may impose under**
 21 **section 24 of this chapter (as effective December 31, 2007) and**
 22 **section 24 of this chapter (as effective after December 31, 2007) is**
 23 **one percent (1%). The department of local government finance**
 24 **(before July 1, 2009) and the county board of tax and capital**
 25 **projects review (after December 31, 2008) may adjust the**
 26 **maximum permissible levies for taxing units in a county to reflect**
 27 **a rescission or reduction of a tax rate imposed under section 24 of**
 28 **this chapter (as effective December 31, 2007).**

29 SECTION 189. IC 6-3.5-6-17, AS AMENDED BY P.L.224-2007,
 30 SECTION 78, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 31 UPON PASSAGE]: **Sec. 17. (a) Revenue derived from the imposition**
 32 **of the county option income tax shall, in the manner prescribed by this**
 33 **section, be distributed to the county that imposed it. The amount that**
 34 **is to be distributed to a county during an ensuing calendar year equals**
 35 **the amount of county option income tax revenue that the department,**
 36 **after reviewing the recommendation of the budget agency, determines**
 37 **has been:**

38 **(1) received from that county for a taxable year ending in a**
 39 **calendar year preceding the calendar year in which the**
 40 **determination is made; and**

41 **(2) reported on an annual return or amended return processed by**
 42 **the department in the state fiscal year ending before July 1 of the**



1 calendar year in which the determination is made;
 2 as adjusted (as determined after review of the recommendation of the
 3 budget agency) for refunds of county option income tax made in the
 4 state fiscal year.

5 (b) Before August 2 of each calendar year, the department, after
 6 reviewing the recommendation of the budget agency, shall certify to the
 7 county auditor of each adopting county the amount determined under
 8 subsection (a) plus the amount of interest in the county's account that
 9 has accrued and has not been included in a certification made in a
 10 preceding year. The amount certified is the county's "certified
 11 distribution" for the immediately succeeding calendar year. The amount
 12 certified shall be adjusted, as necessary, under subsections (c), (d), (e),
 13 and (f). The department shall provide with the certification an
 14 informative summary of the calculations used to determine the certified
 15 distribution. The department shall also certify information concerning
 16 the part of the certified distribution that is attributable to a tax rate
 17 under section 30 ~~or 31 or 32~~ of this chapter. This information must be
 18 certified to the county auditor and to the department of local
 19 government finance not later than September 1 of each calendar year.
 20 The part of the certified distribution that is attributable to a tax rate
 21 under section 30 ~~or 31 or 32~~ of this chapter may be used only as
 22 specified in those provisions.

23 (c) The department shall certify an amount less than the amount
 24 determined under subsection (b) if the department, after reviewing the
 25 recommendation of the budget agency, determines that the reduced
 26 distribution is necessary to offset overpayments made in a calendar
 27 year before the calendar year of the distribution. The department, after
 28 reviewing the recommendation of the budget agency, may reduce the
 29 amount of the certified distribution over several calendar years so that
 30 any overpayments are offset over several years rather than in one (1)
 31 lump sum.

32 (d) The department, after reviewing the recommendation of the
 33 budget agency, shall adjust the certified distribution of a county to
 34 correct for any clerical or mathematical errors made in any previous
 35 certification under this section. The department, after reviewing the
 36 recommendation of the budget agency, may reduce the amount of the
 37 certified distribution over several calendar years so that any adjustment
 38 under this subsection is offset over several years rather than in one (1)
 39 lump sum.

40 (e) This subsection applies to a county that:

- 41 (1) initially imposed the county option income tax; or
- 42 (2) increases the county option income tax rate;



1 under this chapter in the same calendar year in which the department
 2 makes a certification under this section. The department, after
 3 reviewing the recommendation of the budget agency, shall adjust the
 4 certified distribution of a county to provide for a distribution in the
 5 immediately following calendar year and in each calendar year
 6 thereafter. The department shall provide for a full transition to
 7 certification of distributions as provided in subsection (a)(1) through
 8 (a)(2) in the manner provided in subsection (c).

9 (f) This subsection applies in the year a county initially imposes a
 10 tax rate under section 30 of this chapter. Notwithstanding any other
 11 provision, the department shall adjust the part of the county's certified
 12 distribution that is attributable to the tax rate under section 30 of this
 13 chapter to provide for a distribution in the immediately following
 14 calendar year equal to the result of:

15 (1) the sum of the amounts determined under STEP ONE through
 16 STEP FOUR of IC 6-3.5-1.5-1(a) in the year in which the county
 17 initially imposes a tax rate under section 30 of this chapter;
 18 multiplied by

19 (2) the following:

20 (A) In a county containing a consolidated city, one and
 21 five-tenths (1.5).

22 (B) In a county other than a county containing a consolidated
 23 city, two (2).

24 (g) One-twelfth (1/12) of each adopting county's certified
 25 distribution for a calendar year shall be distributed from its account
 26 established under section 16 of this chapter to the appropriate county
 27 treasurer on the first day of each month of that calendar year.

28 (h) Upon receipt, each monthly payment of a county's certified
 29 distribution shall be allocated among, distributed to, and used by the
 30 civil taxing units of the county as provided in sections 18 and 19 of this
 31 chapter.

32 (i) All distributions from an account established under section 16 of
 33 this chapter shall be made by warrants issued by the auditor of state to
 34 the treasurer of state ordering the appropriate payments.

35 SECTION 190. IC 6-3.5-6-18, AS AMENDED BY P.L.224-2007,
 36 SECTION 79, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 37 UPON PASSAGE]: Sec. 18. (a) The revenue a county auditor receives
 38 under this chapter shall be used to:

39 (1) replace the amount, if any, of property tax revenue lost due to
 40 the allowance of an increased homestead credit within the county;

41 (2) fund the operation of a public communications system and
 42 computer facilities district as provided in an election, if any, made



1 by the county fiscal body under IC 36-8-15-19(b);
 2 (3) fund the operation of a public transportation corporation as
 3 provided in an election, if any, made by the county fiscal body
 4 under IC 36-9-4-42;
 5 (4) make payments permitted under IC 36-7-15.1-17.5;
 6 (5) make payments permitted under subsection (i);
 7 (6) make distributions of distributive shares to the civil taxing
 8 units of a county; and
 9 (7) make the distributions permitted under sections 27, 28, 29, 30,
 10 31, ~~32~~, and 33 of this chapter.

11 (b) The county auditor shall retain from the payments of the county's
 12 certified distribution an amount equal to the revenue lost, if any, due to
 13 the increase of the homestead credit within the county. This money
 14 shall be distributed to the civil taxing units and school corporations of
 15 the county as though they were property tax collections and in such a
 16 manner that no civil taxing unit or school corporation shall suffer a net
 17 revenue loss due to the allowance of an increased homestead credit.

18 (c) The county auditor shall retain:

- 19 (1) the amount, if any, specified by the county fiscal body for a
 20 particular calendar year under subsection (i), IC 36-7-15.1-17.5,
 21 IC 36-8-15-19(b), and IC 36-9-4-42 from the county's certified
 22 distribution for that same calendar year; and
 23 (2) the amount of an additional tax rate imposed under section 27,
 24 28, 29, 30, 31, ~~32~~, or 33 of this chapter.

25 The county auditor shall distribute amounts retained under this
 26 subsection to the county.

27 (d) All certified distribution revenues that are not retained and
 28 distributed under subsections (b) and (c) shall be distributed to the civil
 29 taxing units of the county as distributive shares.

30 (e) The amount of distributive shares that each civil taxing unit in
 31 a county is entitled to receive during a month equals the product of the
 32 following:

- 33 (1) The amount of revenue that is to be distributed as distributive
 34 shares during that month; multiplied by
 35 (2) A fraction. The numerator of the fraction equals the allocation
 36 amount for the civil taxing unit for the calendar year in which the
 37 month falls. The denominator of the fraction equals the sum of the
 38 allocation amounts of all the civil taxing units of the county for
 39 the calendar year in which the month falls.

40 (f) The department of local government finance shall provide each
 41 county auditor with the fractional amount of distributive shares that
 42 each civil taxing unit in the auditor's county is entitled to receive



1 monthly under this section.

2 (g) Notwithstanding subsection (e), if a civil taxing unit of an
3 adopting county does not impose a property tax levy that is first due
4 and payable in a calendar year in which distributive shares are being
5 distributed under this section, that civil taxing unit is entitled to receive
6 a part of the revenue to be distributed as distributive shares under this
7 section within the county. The fractional amount such a civil taxing
8 unit is entitled to receive each month during that calendar year equals
9 the product of the following:

10 (1) The amount to be distributed as distributive shares during that
11 month; multiplied by

12 (2) A fraction. The numerator of the fraction equals the budget of
13 that civil taxing unit for that calendar year. The denominator of
14 the fraction equals the aggregate budgets of all civil taxing units
15 of that county for that calendar year.

16 (h) If for a calendar year a civil taxing unit is allocated a part of a
17 county's distributive shares by subsection (g), then the formula used in
18 subsection (e) to determine all other civil taxing units' distributive
19 shares shall be changed each month for that same year by reducing the
20 amount to be distributed as distributive shares under subsection (e) by
21 the amount of distributive shares allocated under subsection (g) for that
22 same month. The department of local government finance shall make
23 any adjustments required by this subsection and provide them to the
24 appropriate county auditors.

25 (i) Notwithstanding any other law, a county fiscal body may pledge
26 revenues received under this chapter (other than revenues attributable
27 to a tax rate imposed under section 30 ~~or 31 or 32~~ of this chapter) to
28 the payment of bonds or lease rentals to finance a qualified economic
29 development tax project under IC 36-7-27 in that county or in any other
30 county if the county fiscal body determines that the project will
31 promote significant opportunities for the gainful employment or
32 retention of employment of the county's residents.

33 SECTION 191. IC 6-3.5-6-30, AS ADDED BY P.L.224-2007,
34 SECTION 83, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
35 UPON PASSAGE]: Sec. 30. (a) In a county in which the county option
36 income tax is in effect, the county income tax council may, before
37 August 1 of a year, adopt an ordinance to impose or increase (as
38 applicable) a tax rate under this section.

39 (b) In a county in which neither the county option adjusted gross
40 income tax nor the county option income tax is in effect, the county
41 income tax council may, before August 1 of a year, adopt an ordinance
42 to impose a tax rate under this section.



(c) An ordinance adopted under this section takes effect October 1 of the year in which the ordinance is adopted. If a county income tax council adopts an ordinance to impose or increase a tax rate under this section, the county auditor shall send a certified copy of the ordinance to the department and the department of local government finance by certified mail.

(d) A tax rate under this section is in addition to any other tax rates imposed under this chapter and does not affect the purposes for which other tax revenue under this chapter may be used.

(e) The following apply only in the year in which a county income tax council first imposes a tax rate under this section:

(1) The county income tax council shall, in the ordinance imposing the tax rate, specify the tax rate for each of the following two (2) years:

(2) The tax rate that must be imposed in the county from October 1 of the year in which the tax rate is imposed through September 30 of the following year is equal to the result of:

(A) the tax rate determined for the county under IC 6-3.5-1.5-1(a) in that year; multiplied by

(B) the following:

(i) In a county containing a consolidated city; one and five-tenths (1.5):

(ii) In a county other than a county containing a consolidated city; two (2):

(3) The tax rate that must be imposed in the county from October 1 of the following year through September 30 of the year after the following year is the tax rate determined for the county under IC 6-3.5-1.5-1(b). The tax rate under this subdivision continues in effect in later years unless the tax rate is increased under this section:

(4) The levy limitations in IC 6-1.1-18.5-3(g); IC 6-1.1-18.5-3(h); IC 12-19-7-4(b); IC 12-19-7.5-6(b); and IC 12-29-2-2(c) apply to property taxes first due and payable in the ensuing calendar year and to property taxes first due and payable in the calendar year after the ensuing calendar year.

(f) The following apply only in a year in which a county income tax council increases a tax rate under this section:

(1) The county income tax council shall, in the ordinance increasing the tax rate, specify the tax rate for the following year:

(2) The tax rate that must be imposed in the county from October 1 of the year in which the tax rate is increased through September 30 of the following year is equal to the result of:



(A) the tax rate determined for the county under IC 6-3.5-1.5-1(a) in the year the tax rate is increased; plus

(B) the tax rate currently in effect in the county under this section.

The tax rate under this subdivision continues in effect in later years unless the tax rate is increased under this section.

(3) The levy limitations in IC 6-1.1-18.5-3(g); IC 6-1.1-18.5-3(h); IC 12-19-7-4(b); IC 12-19-7.5-6(b); and IC 12-29-2-2(c) apply to property taxes first due and payable in the ensuing calendar year.

(g) The department of local government finance shall determine the following property tax replacement distribution amounts:

STEP ONE: Determine the sum of the amounts determined under STEP ONE through STEP FOUR of IC 6-3.5-1.5-1(a) for the county in the preceding year.

STEP TWO: For distribution to each civil taxing unit that in the year had a maximum permissible property tax levy limited under IC 6-1.1-18.5-3(g); determine the result of:

(1) the quotient of:

(A) the part of the amount determined under STEP ONE of IC 6-3.5-1.5-1(a) in the preceding year that was attributable to the civil taxing unit; divided by

(B) the STEP ONE amount; multiplied by

(2) the tax revenue received by the county treasurer under this section.

STEP THREE: For distribution to the county for deposit in the county family and children's fund; determine the result of:

(1) the quotient of:

(A) the amount determined under STEP TWO of IC 6-3.5-1.5-1(a) in the preceding year; divided by

(B) the STEP ONE amount; multiplied by

(2) the tax revenue received by the county treasurer under this section.

STEP FOUR: For distribution to the county for deposit in the county children's psychiatric residential treatment services fund; determine the result of:

(1) the quotient of:

(A) the amount determined under STEP THREE of IC 6-3.5-1.5-1(a) in the preceding year; divided by

(B) the STEP ONE amount; multiplied by

(2) the tax revenue received by the county treasurer under this section.

STEP FIVE: For distribution to the county for community mental



health center purposes; determine the result of:

(1) the quotient of:

(A) the amount determined under STEP FOUR of IC 6-3.5-1.5-1(a) in the preceding year; divided by

(B) the STEP ONE amount; multiplied by

(2) the tax revenue received by the county treasurer under this section:

Except as provided in subsection (m), the county treasurer shall distribute the portion of the certified distribution that is attributable to a tax rate under this section as specified in this section. The county treasurer shall make the distributions under this subsection at the same time that distributions are made to civil taxing units under section 18 of this chapter.

(h) Notwithstanding sections 12 and 12.5 of this chapter, a county income tax council may not decrease or rescind a tax rate imposed under this chapter.

(i) The tax rate under this section shall not be considered for purposes of computing:

(1) the maximum income tax rate that may be imposed in a county under section 8 or 9 of this chapter or any other provision of this chapter; or

(2) the maximum permissible property tax levy under STEP EIGHT of IC 6-1.1-18.5-3(b).

(j) The tax levy under this section shall not be considered for purposes of computing the total county tax levy under IC 6-1.1-21-2(g)(3), IC 6-1.1-21-2(g)(4), or IC 6-1.1-21-2(g)(5).

(k) A distribution under this section shall be treated as a part of the receiving civil taxing unit's property tax levy for that year for purposes of fixing its budget and for determining the distribution of taxes that are distributed on the basis of property tax levies.

(l) If a county income tax council imposes a tax rate under this section, the county option income tax rate dedicated to locally funded homestead credits in the county may not be decreased.

(m) In the year following the year in which a county first imposes a tax rate under this section:

(1) one-third (1/3) of the tax revenue that is attributable to the tax rate under this section must be deposited in the county stabilization fund established under subsection (o); in the case of a county containing a consolidated city; and

(2) one-half (1/2) of the tax revenue that is attributable to the tax rate under this section must be deposited in the county stabilization fund established under subsection (o); in the case of



1 a county not containing a consolidated city.

2 (n) A pledge of county option income taxes does not apply to
3 revenue attributable to a tax rate under this section.

4 (o) A county stabilization fund is established in each county that
5 imposes a tax rate under this section. The county stabilization fund
6 shall be administered by the county auditor. If for a year the certified
7 distributions attributable to a tax rate under this section exceed the
8 amount calculated under STEP ONE through STEP FOUR of
9 IC 6-3.5-1.5-1(a) that is used by the department of local government
10 finance and the department of state revenue to determine the tax rate
11 under this section, the excess shall be deposited in the county
12 stabilization fund. Money shall be distributed from the county
13 stabilization fund in a year by the county auditor to political
14 subdivisions entitled to a distribution of tax revenue attributable to the
15 tax rate under this section if:

16 (1) the certified distributions attributable to a tax rate under this
17 section are less than the amount calculated under STEP ONE
18 through STEP FOUR of IC 6-3.5-1.5-1(a) that is used by the
19 department of local government finance and the department of
20 state revenue to determine the tax rate under this section for a
21 year; or

22 (2) the certified distributions attributable to a tax rate under this
23 section in a year are less than the certified distributions
24 attributable to a tax rate under this section in the preceding year.
25 However, subdivision (2) does not apply to the year following the first
26 year in which certified distributions of revenue attributable to the tax
27 rate under this section are distributed to the county.

28 (e) Revenues received from an income tax rate imposed under
29 this section may be used for one (1) or more of the following
30 purposes:

31 (1) To fund the amount of growth in a taxing unit's maximum
32 levy that is permitted in a year under IC 6-1.1-18.5.

33 (2) To replace a taxing unit's revenues reduced as a result of
34 the application of the credits authorized under IC 6-1.1-20.6,
35 including the payment of debt service on bonds or lease
36 rentals on leases as described in IC 6-1.1-18.5-8.

37 (3) To provide additional property tax relief.

38 The ordinance imposing a tax rate under this section must specify
39 the purpose or purposes for which revenues from the tax rate will
40 be used.

41 (f) The tax rate under this section may not be considered for
42 purposes of computing:



1 (1) the maximum income tax rate that may be imposed in a
 2 county under section 9 of this chapter or any other provision
 3 of this chapter; or

4 (2) the maximum permissible property tax levy under
 5 IC 6-1.1-18.5-3.

6 (g) Revenues from a tax rate imposed by an ordinance under
 7 this section shall be distributed to civil taxing units as follows:

8 (1) If the ordinance requires any revenues to be used to
 9 replace a civil taxing unit's revenues reduced as a result of the
 10 application of credits under IC 6-1.1-20.6, revenues shall be
 11 distributed on a proportionate basis to each taxing unit in the
 12 county, including school corporations.

13 (2) If the ordinance provides that, after making any required
 14 distributions under subdivision (1), any revenues are to be
 15 used to fund growth in a civil taxing unit's levy, revenues are
 16 first to be distributed to each civil taxing unit in an amount at
 17 least equal to the amount of levy growth calculated under
 18 IC 6-1.1-18.5-3.

19 (3) If the ordinance provides that, after making any
 20 distributions under subdivisions (1) and (2), any revenues are
 21 to be used to provide property tax relief, revenues shall be
 22 held by the county auditor and applied uniformly to reduce
 23 property taxes as specified in the ordinance.

24 (h) If a county council imposes a tax rate under this section, the
 25 portion of county option income tax revenue dedicated to locally
 26 funded homestead credits in the county may not be decreased.

27 ~~(p)~~ (i) Notwithstanding any other provision, a tax rate imposed
 28 under this section may not exceed one percent (1%).

29 ~~(q)~~ (j) The department of local government finance and the
 30 department of state revenue may take any actions necessary to carry out
 31 the purposes of this section.

32 ~~(r)~~ (k) Notwithstanding any other provision, in Lake County the
 33 county council (and not the county income tax council) is the entity
 34 authorized to take actions concerning the additional tax rate under this
 35 section.

36 (l) A stabilization fund is established in each political
 37 subdivision that receives a distribution of revenues from an income
 38 tax imposed under this section. If for a year the political
 39 subdivision's certified distribution attributable to a tax rate under
 40 this section exceeds the limits imposed under IC 6-1.1-18.5-3, the
 41 excess tax revenue shall be deposited in the political subdivision's
 42 stabilization fund. Money from the stabilization fund shall be



1 **applied to the political subdivision's limits under IC 6-1.1-18.5-3 in**
 2 **the following year.**

3 SECTION 192. IC 6-3.5-6-31, AS ADDED BY P.L.224-2007,
 4 SECTION 84, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 5 JULY 1, 2007 (RETROACTIVE)]: Sec. 31. (a) As used in this section,
 6 "public safety" refers to the following:

7 (1) A police and law enforcement system to preserve public peace
 8 and order.

9 (2) A firefighting and fire prevention system.

10 (3) Emergency ambulance services (as defined in
 11 IC 16-18-2-107).

12 (4) Emergency medical services (as defined in IC 16-18-2-110).

13 (5) Emergency action (as defined in IC 13-11-2-65).

14 (6) A probation department of a court.

15 (7) Confinement, supervision, services under a community
 16 corrections program (as defined in IC 35-38-2.6-2), or other
 17 correctional services for a person who has been:

18 (A) diverted before a final hearing or trial under an agreement
 19 that is between the county prosecuting attorney and the person
 20 or the person's custodian, guardian, or parent and that provides
 21 for confinement, supervision, community corrections services,
 22 or other correctional services instead of a final action
 23 described in clause (B) or (C);

24 (B) convicted of a crime; or

25 (C) adjudicated as a delinquent child or a child in need of
 26 services.

27 (8) A juvenile detention facility under IC 31-31-8.

28 (9) A juvenile detention center under IC 31-31-9.

29 (10) A county jail.

30 (11) A communications system (as defined in IC 36-8-15-3) or an
 31 enhanced emergency telephone system (as defined in
 32 IC 36-8-16-2).

33 (12) Medical and health expenses for jail inmates and other
 34 confined persons.

35 (13) Pension payments for any of the following:

36 (A) A member of the fire department (as defined in
 37 IC 36-8-1-8) or any other employee of a fire department.

38 (B) A member of the police department (as defined in
 39 IC 36-8-1-9), a police chief hired under a waiver under
 40 IC 36-8-4-6.5, or any other employee hired by a police
 41 department.

42 (C) A county sheriff or any other member of the office of the



1 county sheriff.

2 (D) Other personnel employed to provide a service described
3 in this section.

4 (b) **Before January 1, 2008**, the county income tax council may
5 adopt an ordinance to impose an additional tax rate under this section
6 to provide funding for public safety if:

7 (1) the county income tax council has imposed a tax rate under
8 section 30 of this chapter, in the case of a county containing a
9 consolidated city; or

10 (2) the county income tax council has imposed a tax rate under
11 section 30 of this chapter and has also imposed a tax rate under
12 section 32 of this chapter, in the case of a county other than a
13 county containing a consolidated city.

14 (c) A tax rate under this section may not exceed the following:

15 (1) Five-tenths of one percent (0.5%), in the case of a county
16 containing a consolidated city.

17 (2) The lesser of:

18 (A) twenty-five hundredths of one percent (0.25%); or

19 (B) the tax rate imposed under section 32 of this chapter;

20 in the case of a county other than a county containing a
21 consolidated city.

22 (d) If a county income tax council adopts an ordinance to impose a
23 tax rate under this section, the county auditor shall send a certified
24 copy of the ordinance to the department and the department of local
25 government finance by certified mail.

26 (e) A tax rate under this section is in addition to any other tax rates
27 imposed under this chapter and does not affect the purposes for which
28 other tax revenue under this chapter may be used.

29 (f) The county auditor shall distribute the portion of the certified
30 distribution that is attributable to a tax rate under this section to the
31 county and to each municipality in the county. The amount that shall
32 be distributed to the county or municipality is equal to the result of:

33 (1) the portion of the certified distribution that is attributable to a
34 tax rate under this section; multiplied by

35 (2) a fraction equal to:

36 (A) the total property taxes being collected in the county by
37 the county or municipality for the calendar year; divided by

38 (B) the sum of the total property taxes being collected in the
39 county by the county and each municipality in the county for
40 the calendar year.

41 The county auditor shall make the distributions required by this
42 subsection not more than thirty (30) days after receiving the portion of



the certified distribution that is attributable to a tax rate under this section. Tax revenue distributed to a county or municipality under this subsection must be deposited into a separate account or fund and may be appropriated by the county or municipality only for public safety purposes.

(g) The department of local government finance may not require a county or municipality receiving tax revenue under this section to reduce the county's or municipality's property tax levy for a particular year on account of the county's or municipality's receipt of the tax revenue.

(h) The tax rate under this section and the tax revenue attributable to the tax rate under this section shall not be considered for purposes of computing:

(1) the maximum income tax rate that may be imposed in a county under section 8 or 9 of this chapter or any other provision of this chapter;

(2) the maximum permissible property tax levy under ~~STEP EIGHT of IC 6-1.1-18.5-3(b)~~; **IC 6-1.1-18.5-3**; or

(3) the total county tax levy under IC 6-1.1-21-2(g)(3), IC 6-1.1-21-2(g)(4), or IC 6-1.1-21-2(g)(5).

(i) The tax rate under this section may be imposed or rescinded at the same time and in the same manner that the county may impose or increase a tax rate under section 30 of this chapter.

(j) The department of local government finance and the department of state revenue may take any actions necessary to carry out the purposes of this section.

(k) Notwithstanding any other provision, in Lake County the county council (and not the county income tax council) is the entity authorized to take actions concerning the additional tax rate under this section.

(l) An ordinance adopted under this section after December 31, 2007, is void.

SECTION 193. IC 6-3.5-6-34 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 34. (a) This section applies to a county that adopted an ordinance or ordinances imposing a tax rate under section 30, 31, or 32 of this chapter before January 1, 2008.**

(b) Notwithstanding any other law, an ordinance described in this section remains in effect until the county council takes action to rescind or reduce an income tax rate imposed by the ordinance.

(c) Notwithstanding any other law, revenues from an income tax rate described in this section may be used for the purpose or



purposes for which the ordinance was enacted.

(d) An income tax rate imposed under an ordinance described in this section may not be increased.

(e) Notwithstanding any other law, a county described in this section may adopt an additional ordinance under section 30 of this chapter for the purposes authorized under section 30 of this chapter. The maximum tax rate that a county may impose under section 30 of this chapter (as effective December 31, 2007) and section 30 of this chapter (as effective after December 31, 2007) is one percent (1%). The department of local government finance (before January 1, 2009) and the county board of tax and capital projects review (after December 31, 2008) may adjust the maximum permissible levies for taxing units in a county to reflect a rescission or reduction of a tax rate imposed under section 30 of this chapter (as effective December 31, 2007).

SECTION 194. IC 6-3.5-7-5, AS AMENDED BY P.L.224-2007, SECTION 87, AND AS AMENDED BY P.L.232-2007, SECTION 3, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2009]: Sec. 5. (a) Except as provided in subsection (c), the county economic development income tax may be imposed on the adjusted gross income of county taxpayers. The entity that may impose the tax is:

- (1) the county income tax council (as defined in IC 6-3.5-6-1) if the county option income tax is in effect on *January + March 31* of the year the county economic development income tax is imposed;
- (2) the county council if the county adjusted gross income tax is in effect on *January + March 31* of the year the county economic development tax is imposed; or
- (3) the county income tax council or the county council, whichever acts first, for a county not covered by subdivision (1) or (2).

To impose the county economic development income tax, a county income tax council shall use the procedures set forth in IC 6-3.5-6 concerning the imposition of the county option income tax.

(b) Except as provided in subsections (c), (g), (k), (p), and (r) *and section 28 of this chapter*, the county economic development income tax may be imposed at a rate of:

- (1) one-tenth percent (0.1%);
- (2) two-tenths percent (0.2%);
- (3) twenty-five hundredths percent (0.25%);
- (4) three-tenths percent (0.3%);



- (5) thirty-five hundredths percent (0.35%);
- (6) four-tenths percent (0.4%);
- (7) forty-five hundredths percent (0.45%); or
- (8) five-tenths percent (0.5%);

on the adjusted gross income of county taxpayers.

(c) Except as provided in subsection (h), (i), (j), (k), (l), (m), (n), (o), (p), (s), (v), ~~or~~ (w), ~~or~~ (x), **or** (y), the county economic development income tax rate plus the county adjusted gross income tax rate, if any, that are in effect on January 1 of a year may not exceed one and twenty-five hundredths percent (1.25%). Except as provided in subsection (g), (p), (r), (t), (u), ~~or~~ (w), ~~or~~ (x), **or** (y), the county economic development tax rate plus the county option income tax rate, if any, that are in effect on January 1 of a year may not exceed one percent (1%).

(d) To impose, increase, decrease, or rescind the county economic development income tax, the appropriate body must, after ~~January 1~~ *March 31* but before ~~April~~ *August* 1 of a year, adopt an ordinance. The ordinance to impose the tax must substantially state the following:

"The _____ County _____ imposes the county economic development income tax on the county taxpayers of _____ County. The county economic development income tax is imposed at a rate of _____ percent (____%) on the county taxpayers of the county. This tax takes effect ~~July~~ *October* 1 of this year."

(e) Any ordinance adopted under this chapter takes effect July 1 of the year the ordinance is adopted.

(f) The auditor of a county shall record all votes taken on ordinances presented for a vote under the authority of this chapter and shall, not more than ten (10) days after the vote, send a certified copy of the results to the commissioner of the department by certified mail.

(g) This subsection applies to a county having a population of more than one hundred forty-eight thousand (148,000) but less than one hundred seventy thousand (170,000). Except as provided in subsection (p), in addition to the rates permitted by subsection (b), the:

(1) county economic development income tax may be imposed at a rate of:

- (A) fifteen-hundredths percent (0.15%);
- (B) two-tenths percent (0.2%); or
- (C) twenty-five hundredths percent (0.25%); and

(2) county economic development income tax rate plus the county option income tax rate that are in effect on January 1 of a year may equal up to one and twenty-five hundredths percent (1.25%); if the county income tax council makes a determination to impose rates



1 under this subsection and section 22 of this chapter.

2 (h) For a county having a population of more than forty-one
3 thousand (41,000) but less than forty-three thousand (43,000), except
4 as provided in subsection (p), the county economic development
5 income tax rate plus the county adjusted gross income tax rate that are
6 in effect on January 1 of a year may not exceed one and thirty-five
7 hundredths percent (1.35%) if the county has imposed the county
8 adjusted gross income tax at a rate of one and one-tenth percent (1.1%)
9 under IC 6-3.5-1.1-2.5.

10 (i) For a county having a population of more than thirteen thousand
11 five hundred (13,500) but less than fourteen thousand (14,000), except
12 as provided in subsection (p), the county economic development
13 income tax rate plus the county adjusted gross income tax rate that are
14 in effect on January 1 of a year may not exceed one and fifty-five
15 hundredths percent (1.55%).

16 (j) For a county having a population of more than seventy-one
17 thousand (71,000) but less than seventy-one thousand four hundred
18 (71,400), except as provided in subsection (p), the county economic
19 development income tax rate plus the county adjusted gross income tax
20 rate that are in effect on January 1 of a year may not exceed one and
21 five-tenths percent (1.5%).

22 (k) This subsection applies to a county having a population of more
23 than twenty-seven thousand four hundred (27,400) but less than
24 twenty-seven thousand five hundred (27,500). Except as provided in
25 subsection (p), in addition to the rates permitted under subsection (b):

26 (1) the county economic development income tax may be imposed
27 at a rate of twenty-five hundredths percent (0.25%); and

28 (2) the sum of the county economic development income tax rate
29 and the county adjusted gross income tax rate that are in effect on
30 January 1 of a year may not exceed one and five-tenths percent
31 (1.5%);

32 if the county council makes a determination to impose rates under this
33 subsection and section 22.5 of this chapter.

34 (l) For a county having a population of more than twenty-nine
35 thousand (29,000) but less than thirty thousand (30,000), except as
36 provided in subsection (p), the county economic development income
37 tax rate plus the county adjusted gross income tax rate that are in effect
38 on January 1 of a year may not exceed one and five-tenths percent
39 (1.5%).

40 (m) For:

41 (1) a county having a population of more than one hundred
42 eighty-two thousand seven hundred ninety (182,790) but less than



1 two hundred thousand (200,000); or
 2 (2) a county having a population of more than forty-five thousand
 3 (45,000) but less than forty-five thousand nine hundred (45,900);
 4 except as provided in subsection (p), the county economic development
 5 income tax rate plus the county adjusted gross income tax rate that are
 6 in effect on January 1 of a year may not exceed one and five-tenths
 7 percent (1.5%).

8 (n) For a county having a population of more than six thousand
 9 (6,000) but less than eight thousand (8,000), except as provided in
 10 subsection (p), the county economic development income tax rate plus
 11 the county adjusted gross income tax rate that are in effect on January
 12 1 of a year may not exceed one and five-tenths percent (1.5%).

13 (o) This subsection applies to a county having a population of more
 14 than thirty-nine thousand (39,000) but less than thirty-nine thousand
 15 six hundred (39,600). Except as provided in subsection (p), in addition
 16 to the rates permitted under subsection (b):

17 (1) the county economic development income tax may be imposed
 18 at a rate of twenty-five hundredths percent (0.25%); and

19 (2) the sum of the county economic development income tax rate
 20 and:

21 (A) the county adjusted gross income tax rate that are in effect
 22 on January 1 of a year may not exceed one and five-tenths
 23 percent (1.5%); or

24 (B) the county option income tax rate that are in effect on
 25 January 1 of a year may not exceed one and twenty-five
 26 hundredths percent (1.25%);

27 if the county council makes a determination to impose rates under this
 28 subsection and section 24 of this chapter.

29 (p) In addition:

30 (1) the county economic development income tax may be imposed
 31 at a rate that exceeds by not more than twenty-five hundredths
 32 percent (0.25%) the maximum rate that would otherwise apply
 33 under this section; and

34 (2) the:

35 (A) county economic development income tax; and

36 (B) county option income tax or county adjusted gross income
 37 tax;

38 may be imposed at combined rates that exceed by not more than
 39 twenty-five hundredths percent (0.25%) the maximum combined
 40 rates that would otherwise apply under this section.

41 However, the additional rate imposed under this subsection may not
 42 exceed the amount necessary to mitigate the increased ad valorem



property taxes on homesteads (as defined in IC 6-1.1-20.9-1) or residential property (as defined in section 26 of this chapter), as appropriate under the ordinance adopted by the adopting body in the county, resulting from the deduction of the assessed value of inventory in the county under ~~IC 6-1.1-12-41~~ or IC 6-1.1-12-42.

(q) If the county economic development income tax is imposed as authorized under subsection (p) at a rate that exceeds the maximum rate that would otherwise apply under this section, the certified distribution must be used for the purpose provided in section ~~25(c)~~ or 26 of this chapter to the extent that the certified distribution results from the difference between:

- (1) the actual county economic development tax rate; and
- (2) the maximum rate that would otherwise apply under this section.

(r) This subsection applies only to a county described in section 27 of this chapter. Except as provided in subsection (p), in addition to the rates permitted by subsection (b), the:

- (1) county economic development income tax may be imposed at a rate of twenty-five hundredths percent (0.25%); and
- (2) county economic development income tax rate plus the county option income tax rate that are in effect on January 1 of a year may equal up to one and twenty-five hundredths percent (1.25%); if the county council makes a determination to impose rates under this subsection and section 27 of this chapter.

(s) Except as provided in subsection (p), the county economic development income tax rate plus the county adjusted gross income tax rate that are in effect on January 1 of a year may not exceed one and five-tenths percent (1.5%) if the county has imposed the county adjusted gross income tax under IC 6-3.5-1.1-3.3.

(t) This subsection applies to Howard County. Except as provided in subsection (p), the sum of the county economic development income tax rate and the county option income tax rate that are in effect on January 1 of a year may not exceed one and twenty-five hundredths percent (1.25%).

(u) This subsection applies to Scott County. Except as provided in subsection (p), the sum of the county economic development income tax rate and the county option income tax rate that are in effect on January 1 of a year may not exceed one and twenty-five hundredths percent (1.25%).

(v) This subsection applies to Jasper County. Except as provided in subsection (p), the sum of the county economic development income tax rate and the county adjusted gross income tax rate that are in effect



on January 1 of a year may not exceed one and five-tenths percent (1.5%).

(w) *An additional county economic development income tax rate imposed under section 28 of this chapter may not be considered in calculating any limit under this section on the sum of:*

(1) *the county economic development income tax rate plus the county adjusted gross income tax rate; or*

(2) *the county economic development tax rate plus the county option income tax rate.*

~~(w)~~ (x) *The income tax rate limits imposed by subsection (c) or (x) or any other provision of this chapter do not apply to:*

(1) *a county adjusted gross income tax rate imposed under IC 6-3.5-1.1-24 or IC 6-3.5-1.1-25; or IC 6-3.5-1.1-26; or*

(2) *a county option income tax rate imposed under IC 6-3.5-6-30 or IC 6-3.5-6-31. or IC 6-3.5-6-32.*

For purposes of computing the maximum combined income tax rate under subsection (c) or ~~(x)~~ (y) or any other provision of this chapter that may be imposed in a county under IC 6-3.5-1.1, IC 6-3.5-6, and this chapter, a county's county adjusted gross income tax rate or county option income tax rate for a particular year does not include the county adjusted gross income tax rate imposed under IC 6-3.5-1.1-24 or IC 6-3.5-1.1-25 or IC 6-3.5-1.1-26 or the county option income tax rate imposed under IC 6-3.5-6-30 or IC 6-3.5-6-31. or IC 6-3.5-6-32.

~~(x)~~ (y) *This subsection applies to Monroe County. Except as provided in subsection (p), if an ordinance is adopted under IC 6-3.5-6-33, the sum of the county economic development income tax rate and the county option income tax rate that are in effect on January 1 of a year may not exceed one and twenty-five hundredths percent (1.25%).*

SECTION 195. IC 6-3.5-7-11, AS AMENDED BY P.L.207-2005, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2009]: Sec. 11. (a) Revenue derived from the imposition of the county economic development income tax shall, in the manner prescribed by this section, be distributed to the county that imposed it.

(b) Before August 2 of each calendar year, the department, after reviewing the recommendation of the budget agency, shall certify to the county auditor of each adopting county the sum of the amount of county economic development income tax revenue that the department determines has been:

(1) received from that county for a taxable year ending before the calendar year in which the determination is made; and



(2) reported on an annual return or amended return processed by the department in the state fiscal year ending before July 1 of the calendar year in which the determination is made; as adjusted (as determined after review of the recommendation of the budget agency) for refunds of county economic development income tax made in the state fiscal year plus the amount of interest in the county's account that has been accrued and has not been included in a certification made in a preceding year. The amount certified is the county's certified distribution, which shall be distributed on the dates specified in section 16 of this chapter for the following calendar year. The amount certified shall be adjusted under subsections (c), (d), (e), (f), and (g). The department shall provide with the certification an informative summary of the calculations used to determine the certified distribution.

(c) The department shall certify an amount less than the amount determined under subsection (b) if the department, after reviewing the recommendation of the budget agency, determines that the reduced distribution is necessary to offset overpayments made in a calendar year before the calendar year of the distribution. The department, after reviewing the recommendation of the budget agency, may reduce the amount of the certified distribution over several calendar years so that any overpayments are offset over several years rather than in one (1) lump sum.

(d) After reviewing the recommendation of the budget agency, the department shall adjust the certified distribution of a county to correct for any clerical or mathematical errors made in any previous certification under this section. The department, after reviewing the recommendation of the budget agency, may reduce the amount of the certified distribution over several calendar years so that any adjustment under this subsection is offset over several years rather than in one (1) lump sum.

(e) The department, after reviewing the recommendation of the budget agency, shall adjust the certified distribution of a county to provide the county with the distribution required under section 16(b) of this chapter.

(f) The department, after reviewing the recommendation of the budget agency, shall adjust the certified distribution of a county to provide the county with the amount of any tax increase imposed under section ~~25~~ or 26 of this chapter to provide additional homestead credits as provided in those provisions.

(g) This subsection applies to a county that:

(1) initially imposed the county economic development income



1 tax; or

2 (2) increases the county economic development income rate;
 3 under this chapter in the same calendar year in which the department
 4 makes a certification under this section. The department, after
 5 reviewing the recommendation of the budget agency, shall adjust the
 6 certified distribution of a county to provide for a distribution in the
 7 immediately following calendar year and in each calendar year
 8 thereafter. The department shall provide for a full transition to
 9 certification of distributions as provided in subsection (b)(1) through
 10 (b)(2) in the manner provided in subsection (c).

11 SECTION 196. IC 6-3.5-7-12, AS AMENDED BY P.L.232-2007,
 12 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 13 JANUARY 1, 2009]: Sec. 12. (a) Except as provided in sections 23, ~~25~~,
 14 26, 27, and 28 of this chapter, the county auditor shall distribute in the
 15 manner specified in this section the certified distribution to the county.

16 (b) Except as provided in subsections (c) and (h) and ~~sections~~
 17 **section 15 and 25** of this chapter, the amount of the certified
 18 distribution that the county and each city or town in a county is entitled
 19 to receive during May and November of each year equals the product
 20 of the following:

21 (1) The amount of the certified distribution for that month;
 22 multiplied by

23 (2) A fraction. The numerator of the fraction equals the sum of the
 24 following:

25 (A) Total property taxes that are first due and payable to the
 26 county, city, or town during the calendar year in which the
 27 month falls; plus

28 (B) For a county, an amount equal to the property taxes
 29 imposed by the county in 1999 for the county's welfare fund
 30 and welfare administration fund.

31 The denominator of the fraction equals the sum of the total
 32 property taxes that are first due and payable to the county and all
 33 cities and towns of the county during the calendar year in which
 34 the month falls, plus an amount equal to the property taxes
 35 imposed by the county in 1999 for the county's welfare fund and
 36 welfare administration fund.

37 (c) This subsection applies to a county council or county income tax
 38 council that imposes a tax under this chapter after June 1, 1992. The
 39 body imposing the tax may adopt an ordinance before July 1 of a year
 40 to provide for the distribution of certified distributions under this
 41 subsection instead of a distribution under subsection (b). The following
 42 apply if an ordinance is adopted under this subsection:



(1) The ordinance is effective January 1 of the following year.

(2) Except as provided in ~~sections 25 and~~ **section 26** of this chapter, the amount of the certified distribution that the county and each city and town in the county is entitled to receive during May and November of each year equals the product of:

(A) the amount of the certified distribution for the month; multiplied by

(B) a fraction. For a city or town, the numerator of the fraction equals the population of the city or the town. For a county, the numerator of the fraction equals the population of the part of the county that is not located in a city or town. The denominator of the fraction equals the sum of the population of all cities and towns located in the county and the population of the part of the county that is not located in a city or town.

(3) The ordinance may be made irrevocable for the duration of specified lease rental or debt service payments.

(d) The body imposing the tax may not adopt an ordinance under subsection (c) if, before the adoption of the proposed ordinance, any of the following have pledged the county economic development income tax for any purpose permitted by IC 5-1-14 or any other statute:

(1) The county.

(2) A city or town in the county.

(3) A commission, a board, a department, or an authority that is authorized by statute to pledge the county economic development income tax.

(e) The department of local government finance shall provide each county auditor with the fractional amount of the certified distribution that the county and each city or town in the county is entitled to receive under this section.

(f) Money received by a county, city, or town under this section shall be deposited in the unit's economic development income tax fund.

(g) Except as provided in subsection (b)(2)(B), in determining the fractional amount of the certified distribution the county and its cities and towns are entitled to receive under subsection (b) during a calendar year, the department of local government finance shall consider only property taxes imposed on tangible property subject to assessment in that county.

(h) In a county having a consolidated city, only the consolidated city is entitled to the certified distribution, subject to the requirements of sections 15 ~~25~~, and 26 of this chapter.

SECTION 197. IC 6-3.5-7-13.1, AS AMENDED BY P.L.1-2007, SECTION 66, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE



JANUARY 1, 2009]: Sec. 13.1. (a) The fiscal officer of each county, city, or town for a county in which the county economic development tax is imposed shall establish an economic development income tax fund. Except as provided in sections 23, ~~25~~, 26, and 27 of this chapter, the revenue received by a county, city, or town under this chapter shall be deposited in the unit's economic development income tax fund.

(b) Except as provided in sections 15, 23, ~~25~~, 26, and 27 of this chapter, revenues from the county economic development income tax may be used as follows:

(1) By a county, city, or town for economic development projects, for paying, notwithstanding any other law, under a written agreement all or a part of the interest owed by a private developer or user on a loan extended by a financial institution or other lender to the developer or user if the proceeds of the loan are or are to be used to finance an economic development project, for the retirement of bonds under section 14 of this chapter for economic development projects, for leases under section 21 of this chapter, or for leases or bonds entered into or issued prior to the date the economic development income tax was imposed if the purpose of the lease or bonds would have qualified as a purpose under this chapter at the time the lease was entered into or the bonds were issued.

(2) By a county, city, or town for:

(A) the construction or acquisition of, or remedial action with respect to, a capital project for which the unit is empowered to issue general obligation bonds or establish a fund under any statute listed in IC 6-1.1-18.5-9.8;

(B) the retirement of bonds issued under any provision of Indiana law for a capital project;

(C) the payment of lease rentals under any statute for a capital project;

(D) contract payments to a nonprofit corporation whose primary corporate purpose is to assist government in planning and implementing economic development projects;

(E) operating expenses of a governmental entity that plans or implements economic development projects;

(F) to the extent not otherwise allowed under this chapter, funding substance removal or remedial action in a designated unit; or

(G) funding of a revolving fund established under IC 5-1-14-14.

(3) By a county, city, or town for any lawful purpose for which



1 money in any of its other funds may be used.

2 (4) By a city or county described in IC 36-7.5-2-3(b) for making
3 transfers required by IC 36-7.5-4-2. If the county economic
4 development income tax rate is increased after April 30, 2005, in
5 a county having a population of more than one hundred forty-five
6 thousand (145,000) but less than one hundred forty-eight
7 thousand (148,000), the first three million five hundred thousand
8 dollars (\$3,500,000) of the tax revenue that results each year from
9 the tax rate increase shall be used by the county only to make the
10 county's transfer required by IC 36-7.5-4-2. The first three million
11 five hundred thousand dollars (\$3,500,000) of the tax revenue that
12 results each year from the tax rate increase shall be paid by the
13 county treasurer to the treasurer of the northwest Indiana regional
14 development authority under IC 36-7.5-4-2 before certified
15 distributions are made to the county or any cities or towns in the
16 county under this chapter from the tax revenue that results each
17 year from the tax rate increase. In a county having a population of
18 more than one hundred forty-five thousand (145,000) but less
19 than one hundred forty-eight thousand (148,000), all of the tax
20 revenue that results each year from the tax rate increase that is in
21 excess of the first three million five hundred thousand dollars
22 (\$3,500,000) that results each year from the tax rate increase must
23 be used by the county and cities and towns in the county for
24 additional homestead credits under subdivision (5).

25 (5) This subdivision applies only in a county having a population
26 of more than one hundred forty-five thousand (145,000) but less
27 than one hundred forty-eight thousand (148,000). Except as
28 otherwise provided, the procedures and definitions in
29 IC 6-1.1-20.9 apply to this subdivision. All of the tax revenue that
30 results each year from a tax rate increase described in subdivision
31 (4) that is in excess of the first three million five hundred
32 thousand dollars (\$3,500,000) that results each year from the tax
33 rate increase must be used by the county and cities and towns in
34 the county for additional homestead credits under this
35 subdivision. The following apply to additional homestead credits
36 provided under this subdivision:

37 (A) The additional homestead credits must be applied
38 uniformly to increase the homestead credit under IC 6-1.1-20.9
39 for homesteads in the county, city, or town.

40 (B) The additional homestead credits shall be treated for all
41 purposes as property tax levies. The additional homestead
42 credits do not reduce the basis for determining the state



property tax replacement credit under IC 6-1.1-21 or the state homestead credit under IC 6-1.1-20.9.

(C) The additional homestead credits shall be applied to the net property taxes due on the homestead after the application of all other assessed value deductions or property tax deductions and credits that apply to the amount owed under IC 6-1.1.

(D) The department of local government finance shall determine the additional homestead credit percentage for a particular year based on the amount of county economic development income tax revenue that will be used under this subdivision to provide additional homestead credits in that year.

(6) This subdivision applies only in a county having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000). Except as otherwise provided, the procedures and definitions in IC 6-1.1-20.9 apply to this subdivision. A county or a city or town in the county may use county economic development income tax revenue to provide additional homestead credits in the county, city, or town. The following apply to additional homestead credits provided under this subdivision:

(A) The county, city, or town fiscal body must adopt an ordinance authorizing the additional homestead credits. The ordinance must:

(i) be adopted before September 1 of a year to apply to property taxes first due and payable in the following year; and

(ii) specify the amount of county economic development income tax revenue that will be used to provide additional homestead credits in the following year.

(B) A county, city, or town fiscal body that adopts an ordinance under this subdivision must forward a copy of the ordinance to the county auditor and the department of local government finance not more than thirty (30) days after the ordinance is adopted.

(C) The additional homestead credits must be applied uniformly to increase the homestead credit under IC 6-1.1-20.9 for homesteads in the county, city, or town.

(D) The additional homestead credits shall be treated for all purposes as property tax levies. The additional homestead credits do not reduce the basis for determining the state



property tax replacement credit under IC 6-1.1-21 or the state homestead credit under IC 6-1.1-20.9.

(E) The additional homestead credits shall be applied to the net property taxes due on the homestead after the application of all other assessed value deductions or property tax deductions and credits that apply to the amount owed under IC 6-1.1.

(F) The department of local government finance shall determine the additional homestead credit percentage for a particular year based on the amount of county economic development income tax revenue that will be used under this subdivision to provide additional homestead credits in that year.

(7) For a regional venture capital fund established under section 13.5 of this chapter or a local venture capital fund established under section 13.6 of this chapter.

(8) This subdivision applies only to a county:

(A) that has a population of more than one hundred ten thousand (110,000) but less than one hundred fifteen thousand (115,000); and

(B) in which:

(i) the county fiscal body has adopted an ordinance under IC 36-7.5-2-3(e) providing that the county is joining the northwest Indiana regional development authority; and

(ii) the fiscal body of the city described in IC 36-7.5-2-3(e) has adopted an ordinance under IC 36-7.5-2-3(e) providing that the city is joining the development authority.

Revenue from the county economic development income tax may be used by a county or a city described in this subdivision for making transfers required by IC 36-7.5-4-2. In addition, if the county economic development income tax rate is increased after June 30, 2006, in the county, the first three million five hundred thousand dollars (\$3,500,000) of the tax revenue that results each year from the tax rate increase shall be used by the county only to make the county's transfer required by IC 36-7.5-4-2. The first three million five hundred thousand dollars (\$3,500,000) of the tax revenue that results each year from the tax rate increase shall be paid by the county treasurer to the treasurer of the northwest Indiana regional development authority under IC 36-7.5-4-2 before certified distributions are made to the county or any cities or towns in the county under this chapter from the tax revenue that results each year from the tax rate increase. All of the tax



revenue that results each year from the tax rate increase that is in excess of the first three million five hundred thousand dollars (\$3,500,000) that results each year from the tax rate increase must be used by the county and cities and towns in the county for additional homestead credits under subdivision (9).

(9) This subdivision applies only to a county described in subdivision (8). Except as otherwise provided, the procedures and definitions in IC 6-1.1-20.9 apply to this subdivision. All of the tax revenue that results each year from a tax rate increase described in subdivision (8) that is in excess of the first three million five hundred thousand dollars (\$3,500,000) that results each year from the tax rate increase must be used by the county and cities and towns in the county for additional homestead credits under this subdivision. The following apply to additional homestead credits provided under this subdivision:

(A) The additional homestead credits must be applied uniformly to increase the homestead credit under IC 6-1.1-20.9 for homesteads in the county, city, or town.

(B) The additional homestead credits shall be treated for all purposes as property tax levies. The additional homestead credits do not reduce the basis for determining the state property tax replacement credit under IC 6-1.1-21 or the state homestead credit under IC 6-1.1-20.9.

(C) The additional homestead credits shall be applied to the net property taxes due on the homestead after the application of all other assessed value deductions or property tax deductions and credits that apply to the amount owed under IC 6-1.1.

(D) The department of local government finance shall determine the additional homestead credit percentage for a particular year based on the amount of county economic development income tax revenue that will be used under this subdivision to provide additional homestead credits in that year.

(c) As used in this section, an economic development project is any project that:

(1) the county, city, or town determines will:

(A) promote significant opportunities for the gainful employment of its citizens;

(B) attract a major new business enterprise to the unit; or

(C) retain or expand a significant business enterprise within the unit; and



1 (2) involves an expenditure for:
 2 (A) the acquisition of land;
 3 (B) interests in land;
 4 (C) site improvements;
 5 (D) infrastructure improvements;
 6 (E) buildings;
 7 (F) structures;
 8 (G) rehabilitation, renovation, and enlargement of buildings
 9 and structures;
 10 (H) machinery;
 11 (I) equipment;
 12 (J) furnishings;
 13 (K) facilities;
 14 (L) administrative expenses associated with such a project,
 15 including contract payments authorized under subsection
 16 (b)(2)(D);
 17 (M) operating expenses authorized under subsection (b)(2)(E);
 18 or
 19 (N) to the extent not otherwise allowed under this chapter,
 20 substance removal or remedial action in a designated unit;
 21 or any combination of these.

22 (d) If there are bonds outstanding that have been issued under
 23 section 14 of this chapter or leases in effect under section 21 of this
 24 chapter, a county, city, or town may not expend money from its
 25 economic development income tax fund for a purpose authorized under
 26 subsection (b)(3) in a manner that would adversely affect owners of the
 27 outstanding bonds or payment of any lease rentals due.

28 SECTION 198. IC 6-3.5-7-15 IS AMENDED TO READ AS
 29 FOLLOWS [EFFECTIVE JANUARY 1, 2009]: Sec. 15. (a) The
 30 executive of a county, city, or town may, subject to the use of the
 31 certified distribution permitted under ~~sections 25 and section~~ 26 of this
 32 chapter:

33 (1) adopt a capital improvement plan specifying the uses of the
 34 revenues to be received under this chapter; or

35 (2) designate the county or a city or town in the county as the
 36 recipient of all or a part of its share of the distribution.

37 (b) If a designation is made under subsection (a)(2), the county
 38 treasurer shall transfer the share or part of the share to the designated
 39 unit unless that unit does not have a capital improvement plan.

40 (c) A county, city, or town that fails to adopt a capital improvement
 41 plan may not receive:

42 (1) its fractional amount of the certified distribution; or



(2) any amount designated under subsection (a)(2);
 for the year or years in which the unit does not have a plan. The county treasurer shall retain the certified distribution and any designated distribution for such a unit in a separate account until the unit adopts a plan. Interest on the separate account becomes part of the account. If a unit fails to adopt a plan for a period of three (3) years, then the balance in the separate account shall be distributed to the other units in the county based on property taxes first due and payable to the units during the calendar year in which the three (3) year period expires.

(d) A capital improvement plan must include the following components:

(1) Identification and general description of each project that would be funded by the county economic development income tax.

(2) The estimated total cost of the project.

(3) Identification of all sources of funds expected to be used for each project.

(4) The planning, development, and construction schedule of each project.

(e) A capital improvement plan:

(1) must encompass a period of no less than two (2) years; and

(2) must incorporate projects the cost of which is at least seventy-five percent (75%) of the fractional amount certified distribution expected to be received by the county, city, or town in that period of time.

(f) In making a designation under subsection (a)(2), the executive must specify the purpose and duration of the designation. If the designation is made to provide for the payment of lease rentals or bond payments, the executive may specify that the designation and its duration are irrevocable.

SECTION 199. IC 6-3.5-7-16 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2009]: Sec. 16. (a) Except as provided in subsections (b) and (c), on May 1 of each year, one-half (1/2) of each county's certified distribution for a calendar year shall be distributed from its account established under section 10 of this chapter to the county treasurer. The other one-half (1/2) shall be distributed on November 1 of that calendar year.

(b) This subsection applies to a county having a population of more than one hundred forty-five thousand (145,000) but less than one hundred forty-eight thousand (148,000). Notwithstanding section 11 of this chapter, the initial certified distribution certified for a county under section 11 of this chapter shall be distributed to the county treasurer



from the account established for the county under section 10 of this chapter according to the following schedule during the eighteen (18) month period beginning on July 1 of the year in which the county initially adopts an ordinance under section 2 of this chapter:

(1) One-fourth (1/4) on October 1 of the year in which the ordinance was adopted.

(2) One-fourth (1/4) on January 1 of the calendar year following the year in which the ordinance was adopted.

(3) One-fourth (1/4) on May 1 of the calendar year following the year in which the ordinance was adopted.

(4) One-fourth (1/4) on November 1 of the calendar year following the year in which the ordinance was adopted.

The county auditor and county treasurer shall distribute amounts received under this subsection to a county and each city or town in the county in the same proportions as are set forth in section 12 of this chapter. Certified distributions made to the county treasurer for calendar years following the eighteen (18) month period described in this subsection shall be made as provided in subsection (a).

(c) Before July 1 of each year, a county's certified distribution for additional homestead credits under section ~~25~~ or 26 of this chapter for the year shall be distributed from the county's account established under section 10 of this chapter.

(d) All distributions from an account established under section 10 of this chapter shall be made by warrants issued by the auditor of state to the treasurer of state ordering the appropriate payments.

SECTION 200. IC 6-3.5-7-26, AS AMENDED BY P.L.224-2007, SECTION 91, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2009]: Sec. 26. (a) This section applies only to homestead and property tax replacement credits for property taxes first due and payable after calendar year 2006.

(b) The following definitions apply throughout this section:

(1) "Adopt" includes amend.

(2) "Adopting entity" means

~~(A) the entity that adopts an ordinance under IC 6-1.1-12-41(f); or~~

~~(B) any other~~ entity that may impose a county economic development income tax under section 5 of this chapter.

(3) "Homestead" refers to tangible property that is eligible for a homestead credit under IC 6-1.1-20.9.

(4) "Residential" refers to the following:

(A) Real property, a mobile home, and industrialized housing that would qualify as a homestead if the taxpayer had filed for



1 a homestead credit under IC 6-1.1-20.9.

2 (B) Real property not described in clause (A) designed to
3 provide units that are regularly used to rent or otherwise
4 furnish residential accommodations for periods of thirty (30)
5 days or more, regardless of whether the tangible property is
6 subject to assessment under rules of the department of local
7 government finance that apply to:

- 8 (i) residential property; or
- 9 (ii) commercial property.

10 (c) An adopting entity may adopt an ordinance to provide for the use
11 of the certified distribution described in section 16(c) of this chapter for
12 the purpose provided in subsection (e). An adopting entity that adopts
13 an ordinance under this subsection shall use the procedures set forth in
14 IC 6-3.5-6 concerning the adoption of an ordinance for the imposition
15 of the county option income tax. An ordinance must be adopted under
16 this subsection after January 1, 2006, and before June 1, 2006, or, in a
17 year following 2006, after March 31 but before August 1 of a calendar
18 year. The ordinance may provide for an additional rate under section
19 5(p) of this chapter. An ordinance adopted under this subsection:

20 (1) first applies to the certified distribution described in section
21 16(c) of this chapter made in the later of the calendar year that
22 immediately succeeds the calendar year in which the ordinance is
23 adopted or calendar year 2007; and

24 (2) must specify that the certified distribution must be used to
25 provide for one (1) of the following, as determined by the
26 adopting entity:

27 (A) Uniformly applied increased homestead credits as
28 provided in subsection (f).

29 (B) Uniformly applied increased residential credits as
30 provided in subsection (g).

31 (C) Allocated increased homestead credits as provided in
32 subsection (i).

33 (D) Allocated increased residential credits as provided in
34 subsection (j).

35 ~~An ordinance adopted under this subsection may be combined with an~~
36 ~~ordinance adopted under section 25 of this chapter.~~

37 (d) If an ordinance is adopted under subsection (c), the percentage
38 of the certified distribution specified in the ordinance for use for the
39 purpose provided in subsection (e) shall be:

40 (1) retained by the county auditor under subsection (k); and

41 (2) used for the purpose provided in subsection (e) instead of the
42 purposes specified in the capital improvement plans adopted



- 1 under section 15 of this chapter.
- 2 (e) If an ordinance is adopted under subsection (c), the adopting
 3 entity shall use the certified distribution described in section 16(c) of
 4 this chapter to increase:
- 5 (1) if the ordinance grants a credit described in subsection
 6 (c)(2)(A) or (c)(2)(C), the homestead credit allowed in the county
 7 under IC 6-1.1-20.9 for a year; or
- 8 (2) if the ordinance grants a credit described in subsection
 9 (c)(2)(B) or (c)(2)(D), the property tax replacement credit allowed
 10 in the county under IC 6-1.1-21-5 for a year for the residential
 11 property;
- 12 to offset the effect on homesteads or residential property, as applicable,
 13 in the county resulting from the statewide deduction for inventory
 14 under IC 6-1.1-12-42. The amount of an additional residential property
 15 tax replacement credit granted under this section may not be
 16 considered in computing the amount of any homestead credit to which
 17 the residential property may be entitled under IC 6-1.1-20.9 or another
 18 law other than IC 6-1.1-20.6.
- 19 (f) If the imposing entity specifies the application of uniform
 20 increased homestead credits under subsection (c)(2)(A), the county
 21 auditor shall, for each calendar year in which an increased homestead
 22 credit percentage is authorized under this section, determine:
- 23 (1) the amount of the certified distribution that is available to
 24 provide an increased homestead credit percentage for the year;
- 25 (2) the amount of uniformly applied homestead credits for the
 26 year in the county that equals the amount determined under
 27 subdivision (1); and
- 28 (3) the increased percentage of homestead credit that equates to
 29 the amount of homestead credits determined under subdivision
 30 (2).
- 31 (g) If the imposing entity specifies the application of uniform
 32 increased residential credits under subsection (c)(2)(B), the county
 33 auditor shall determine for each calendar year in which an increased
 34 homestead credit percentage is authorized under this section:
- 35 (1) the amount of the certified distribution that is available to
 36 provide an increased residential property tax replacement credit
 37 percentage for the year;
- 38 (2) the amount of uniformly applied residential property tax
 39 replacement credits for the year in the county that equals the
 40 amount determined under subdivision (1); and
- 41 (3) the increased percentage of residential property tax
 42 replacement credit that equates to the amount of residential



property tax replacement credits determined under subdivision (2).

(h) The increased percentage of homestead credit determined by the county auditor under subsection (f) or the increased percentage of residential property tax replacement credit determined by the county auditor under subsection (g) applies uniformly in the county in the calendar year for which the increased percentage is determined.

(i) If the imposing entity specifies the application of allocated increased homestead credits under subsection (c)(2)(C), the county auditor shall, for each calendar year in which an increased homestead credit is authorized under this section, determine:

(1) the amount of the certified distribution that is available to provide an increased homestead credit for the year; and

(2) except as provided in subsection (1), an increased percentage of homestead credit for each taxing district in the county that allocates to the taxing district an amount of increased homestead credits that bears the same proportion to the amount determined under subdivision (1) that the amount of inventory assessed value deducted under IC 6-1.1-12-42 in the taxing district for the immediately preceding year's assessment date bears to the total inventory assessed value deducted under IC 6-1.1-12-42 in the county for the immediately preceding year's assessment date.

(j) If the imposing entity specifies the application of allocated increased residential property tax replacement credits under subsection (c)(2)(D), the county auditor shall determine for each calendar year in which an increased residential property tax replacement credit is authorized under this section:

(1) the amount of the certified distribution that is available to provide an increased residential property tax replacement credit for the year; and

(2) except as provided in subsection (1), an increased percentage of residential property tax replacement credit for each taxing district in the county that allocates to the taxing district an amount of increased residential property tax replacement credits that bears the same proportion to the amount determined under subdivision (1) that the amount of inventory assessed value deducted under IC 6-1.1-12-42 in the taxing district for the immediately preceding year's assessment date bears to the total inventory assessed value deducted under IC 6-1.1-12-42 in the county for the immediately preceding year's assessment date.

(k) The county auditor shall retain from the payments of the county's certified distribution an amount equal to the revenue lost, if any, due to



the increase of the homestead credit or residential property tax replacement credit within the county. The money shall be distributed to the civil taxing units and school corporations of the county:

(1) as if the money were from property tax collections; and

(2) in such a manner that no civil taxing unit or school corporation will suffer a net revenue loss because of the allowance of an increased homestead credit or residential property tax replacement credit.

(l) Subject to the approval of the imposing entity, the county auditor may adjust the increased percentage of:

(1) homestead credit determined under subsection (i)(2) if the county auditor determines that the adjustment is necessary to achieve an equitable reduction of property taxes among the homesteads in the county; or

(2) residential property tax replacement credit determined under subsection (j)(2) if the county auditor determines that the adjustment is necessary to achieve an equitable reduction of property taxes among the residential property in the county.

SECTION 201. IC 6-3.5-9 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2009]:

Chapter 9. Local Income Tax Project Referendum

Sec. 1. (a) This chapter applies to projects:

(1) for which a pledge of local income taxes imposed under the authority of this article has been made; and

(2) that will cost the political subdivision an amount equal to at least the lesser of:

(A) one percent (1%) of the political subdivision's net assessed value, as last assessed; or

(B) ten million dollars (\$10,000,000).

Sec. 2. (a) A political subdivision may not issue bonds or enter into a lease or other obligations payable in whole or in part from an income tax imposed under this article without completing the procedures described in this section.

(b) The proper officers of a political subdivision shall:

(1) publish notice in accordance with IC 5-3-1; and

(2) send notice by first class mail to any organization that delivers to such officers, before January 1 of that year, an annual written request for notices;

of any meeting to consider the adoption of an ordinance or resolution making a determination to issue bonds or enter into a lease.



(c) If the proper officers of a political subdivision adopt an ordinance or resolution pledging income taxes imposed under this article to pay debt service on bonds or lease rental payments on a lease, the officers shall give notice of the determination by:

(1) publication in accordance with IC 5-3-1; and

(2) first class mail to the:

(A) organizations described in subsection (b)(2); and

(B) county board of tax and capital projects review.

(d) A notice under subsection (c) of the action of the political subdivision to issue bonds or enter into a lease must include the following information:

(1) The maximum term of the bonds or lease.

(2) The maximum principal amount of the bonds or the maximum lease rental for the lease.

(3) The estimated interest rates that will be paid and the total interest costs associated with the bonds or lease.

(4) The estimated total annual debt service or lease rental payments.

(5) The purpose of the bonds or lease.

(6) A statement that the proposed:

(A) issuance of the bonds; or

(B) execution of the lease;

must be approved in an election on a local public question held under section 4 of this chapter.

Sec. 3. The county board of tax and capital projects review shall meet not later than five (5) days after receiving notice under section 2(c) of this chapter to determine whether a referendum under section 4 of this chapter should be held at a special election. If the county board of tax and capital projects review determines that the referendum should be held at a special election, the board shall set a date for the special election and notify the county election board of its determination not later than seven (7) days after the county board of tax and capital projects review makes the determination. The county board of tax and capital projects review shall notify the election board if a special election is not required.

Sec. 4. (a) This section applies only to a project described in section 1 of this chapter.

(b) A political subdivision may not issue bonds or execute a lease payable from income taxes imposed under this article unless the political subdivision's proposed debt service or lease rental is approved in an election on a local public question held under this section.



(c) The following question shall be submitted to the voters at the election conducted under this section:

"Shall _____ (insert the name of the political subdivision) issue bonds or enter into a lease for a term of _____ years to finance _____ (insert a description of the controlled project) with estimated total annual debt service or lease rental payments of _____ (insert estimated payments)?".

(d) The county auditor shall certify the public question described in subsection (c) under IC 3-10-9-3 to the county election board of the county of each county in which the political subdivision is located. After the public question is certified, the public question shall be placed on the ballot at:

(1) a special election on the date set by the county board of tax and capital projects review, at which all voters of the political subdivision are entitled to vote; or

(2) the next election in which all voters of the political subdivision are entitled to vote, if the county board of tax and capital projects review has not set a date for a special election, except in a year in which there is no election, in which case the county election board shall call a special election for the referendum.

(e) The circuit court clerk shall certify the results of the public question to the political subdivision in which the referendum was held.

(f) If a majority of the voters voting on the public question vote in favor of the public question, the political subdivision may proceed to issue the bonds or execute the lease without any further review or approval.

(g) If less than a majority of the voters voting on the public question vote in favor of the public question, both of the following apply:

(1) The political subdivision may not issue the proposed bonds or enter into the proposed lease rental.

(2) Another public question under this section on the same or a substantially similar project may not be submitted to the voters earlier than one (1) year after the date of the referendum held under this section.

(h) IC 3, to the extent not inconsistent with this section, applies to an election held under this section.

Sec. 5. (a) This section applies to a political subdivision that adopts an ordinance or resolution making a determination to issue bonds or enter into a lease under IC 6-3.5-1.1, IC 6-3.5-6, or



1 **IC 6-3.5-7. During the period beginning with the adoption of the**
 2 **ordinance or resolution and continuing through the date on which**
 3 **a referendum is conducted under this chapter, the political**
 4 **subdivision seeking to issue bonds or enter into a lease for a**
 5 **proposed controlled project may not promote a position on the**
 6 **referendum by doing any of the following:**

7 (1) **Allowing facilities or equipment, including mail and**
 8 **messaging systems, owned or controlled by the political**
 9 **subdivision to be used for public relations purposes to**
 10 **promote a position on the referendum unless equal access to**
 11 **the facilities or equipment is given to persons with a position**
 12 **opposite to that of the political subdivision.**

13 (2) **Making an expenditure of money from a fund controlled**
 14 **by the political subdivision to promote a position on the**
 15 **referendum. This subdivision does not prohibit a political**
 16 **subdivision from making an expenditure of money to an**
 17 **attorney, an architect, a construction manager, or a financial**
 18 **adviser for professional services provided with respect to a**
 19 **controlled project.**

20 (3) **Using an employee to promote a position on a referendum**
 21 **during the employee's normal working hours or paid**
 22 **overtime, or otherwise compelling an employee to promote a**
 23 **position on the referendum at any time.**

24 (4) **In the case of a school corporation, promoting a position**
 25 **on a referendum by:**

26 (A) **using students to transport written materials to their**
 27 **residences or in any way directly involving students in a**
 28 **school organized promotion of a position; or**

29 (B) **including a statement within another communication**
 30 **sent to the students' residences.**

31 **However, this section does not prohibit an employee of the political**
 32 **subdivision from carrying out duties with respect to a referendum**
 33 **that are part of the normal and regular conduct of the employee's**
 34 **office or agency.**

35 (b) **The staff and employees of a school corporation may not**
 36 **personally identify a student as the child of a parent or guardian**
 37 **who supports or opposes a referendum under this chapter.**

38 (c) **A person or an organization that has a contract or**
 39 **arrangement (whether formal or informal) with a school**
 40 **corporation for the use of any of the school corporation's facilities**
 41 **may not spend any money to promote a position on a referendum**
 42 **under this chapter. A person or an organization that violates this**



subsection commits a Class A infraction.

(d) An attorney, an architect, a construction manager, or a financial adviser for professional services provided with respect to a project described in section 1 of this chapter may not spend any money to promote a position on a referendum held with regard to the project. A person who violates this subsection:

(1) commits a Class A infraction; and

(2) is barred from performing any services with respect to the project.

Sec. 6. A political subdivision may not artificially divide a project to avoid the application of the chapter.

SECTION 202. IC 6-6-5.5-19 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2009]: Sec. 19. (a) As used in this section, "assessed value" means an amount equal to the true tax value of commercial vehicles that:

(1) are subject to the commercial vehicle excise tax under this chapter; and

(2) would have been subject to assessment as personal property on March 1, 2000, under the law in effect before January 1, 2000.

(b) For calendar year 2001, a taxing unit's base revenue shall be determined as provided in subsection (f). For calendar years that begin after December 31, 2001, a taxing unit's base revenue shall be determined by multiplying the previous year's base revenue by one hundred five percent (105%).

(c) The amount of commercial vehicle excise tax distributed to the taxing units of Indiana from the commercial vehicle excise tax fund shall be determined in the manner provided in this section. ~~On or before June 1, 2000, each township assessor of a county shall deliver to the county assessor a list that states by taxing district the total assessed value as shown on the information returns filed with the assessor on or before May 15, 2000.~~

(d) On or before July 1, 2000, each county assessor shall certify to the county auditor the assessed value of commercial vehicles in every taxing district.

(e) On or before August 1, 2000, the county auditor shall certify the following to the department of local government finance:

(1) The total assessed value of commercial vehicles in the county.

(2) The total assessed value of commercial vehicles in each taxing district of the county.

(f) The department of local government finance shall determine each taxing unit's base revenue by applying the current tax rate for each taxing district to the certified assessed value from each taxing district.



1 The department of local government finance shall also determine the
2 following:

3 (1) The total amount of base revenue to be distributed from the
4 commercial vehicle excise tax fund in 2001 to all taxing units in
5 Indiana.

6 (2) The total amount of base revenue to be distributed from the
7 commercial vehicle excise tax fund in 2001 to all taxing units in
8 each county.

9 (3) Each county's total distribution percentage. A county's total
10 distribution percentage shall be determined by dividing the total
11 amount of base revenue to be distributed in 2001 to all taxing
12 units in the county by the total base revenue to be distributed
13 statewide.

14 (4) Each taxing unit's distribution percentage. A taxing unit's
15 distribution percentage shall be determined by dividing each
16 taxing unit's base revenue by the total amount of base revenue to
17 be distributed in 2001 to all taxing units in the county.

18 (g) The department of local government finance shall certify each
19 taxing unit's base revenue and distribution percentage for calendar year
20 2001 to the auditor of state on or before September 1, 2000.

21 (h) The auditor of state shall keep permanent records of each taxing
22 unit's base revenue and distribution percentage for calendar year 2001
23 for purposes of determining the amount of money each taxing unit in
24 Indiana is entitled to receive in calendar years that begin after
25 December 31, 2001.

26 SECTION 203. IC 6-8.1-7-1, AS AMENDED BY P.L.219-2007,
27 SECTION 92, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
28 JANUARY 1, 2009]: Sec. 1. (a) This subsection does not apply to the
29 disclosure of information concerning a conviction on a tax evasion
30 charge. Unless in accordance with a judicial order or as otherwise
31 provided in this chapter, the department, its employees, former
32 employees, counsel, agents, or any other person may not divulge the
33 amount of tax paid by any taxpayer, terms of a settlement agreement
34 executed between a taxpayer and the department, investigation records,
35 investigation reports, or any other information disclosed by the reports
36 filed under the provisions of the law relating to any of the listed taxes,
37 including required information derived from a federal return, except to:

38 (1) members and employees of the department;

39 (2) the governor;

40 (3) the attorney general or any other legal representative of the
41 state in any action in respect to the amount of tax due under the
42 provisions of the law relating to any of the listed taxes; or



(4) any authorized officers of the United States;
when it is agreed that the information is to be confidential and to be
used solely for official purposes.

(b) The information described in subsection (a) may be revealed
upon the receipt of a certified request of any designated officer of the
state tax department of any other state, district, territory, or possession
of the United States when:

(1) the state, district, territory, or possession permits the exchange
of like information with the taxing officials of the state; and

(2) it is agreed that the information is to be confidential and to be
used solely for tax collection purposes.

(c) The information described in subsection (a) relating to a person
on public welfare or a person who has made application for public
welfare may be revealed to the director of the division of family
resources, and to any director of a county office of family and children
located in Indiana, upon receipt of a written request from either director
for the information. The information shall be treated as confidential by
the directors. In addition, the information described in subsection (a)
relating to a person who has been designated as an absent parent by the
state Title IV-D agency shall be made available to the state Title IV-D
agency upon request. The information shall be subject to the
information safeguarding provisions of the state and federal Title IV-D
programs.

(d) The name, address, Social Security number, and place of
employment relating to any individual who is delinquent in paying
educational loans owed to a postsecondary educational institution may
be revealed to that institution if it provides proof to the department that
the individual is delinquent in paying for educational loans. This
information shall be provided free of charge to approved postsecondary
educational institutions (as defined by IC 21-7-13-6(a)). The
department shall establish fees that all other institutions must pay to the
department to obtain information under this subsection. However, these
fees may not exceed the department's administrative costs in providing
the information to the institution.

(e) The information described in subsection (a) relating to reports
submitted under IC 6-6-1.1-502 concerning the number of gallons of
gasoline sold by a distributor and IC 6-6-2.5 concerning the number of
gallons of special fuel sold by a supplier and the number of gallons of
special fuel exported by a licensed exporter or imported by a licensed
transporter may be released by the commissioner upon receipt of a
written request for the information.

(f) The information described in subsection (a) may be revealed



upon the receipt of a written request from the administrative head of a state agency of Indiana when:

(1) the state agency shows an official need for the information; and

(2) the administrative head of the state agency agrees that any information released will be kept confidential and will be used solely for official purposes.

(g) The name and address of retail merchants, including township, as specified in IC 6-2.5-8-1(j) may be released solely for tax collection purposes to ~~township assessors and~~ county assessors.

(h) The department shall notify the appropriate innkeepers' tax board, bureau, or commission that a taxpayer is delinquent in remitting innkeepers' taxes under IC 6-9.

(i) All information relating to the delinquency or evasion of the motor vehicle excise tax may be disclosed to the bureau of motor vehicles in Indiana and may be disclosed to another state, if the information is disclosed for the purpose of the enforcement and collection of the taxes imposed by IC 6-6-5.

(j) All information relating to the delinquency or evasion of commercial vehicle excise taxes payable to the bureau of motor vehicles in Indiana may be disclosed to the bureau and may be disclosed to another state, if the information is disclosed for the purpose of the enforcement and collection of the taxes imposed by IC 6-6-5.5.

(k) All information relating to the delinquency or evasion of commercial vehicle excise taxes payable under the International Registration Plan may be disclosed to another state, if the information is disclosed for the purpose of the enforcement and collection of the taxes imposed by IC 6-6-5.5.

(l) This section does not apply to:

- (1) the beer excise tax (IC 7.1-4-2);
- (2) the liquor excise tax (IC 7.1-4-3);
- (3) the wine excise tax (IC 7.1-4-4);
- (4) the hard cider excise tax (IC 7.1-4-4.5);
- (5) the malt excise tax (IC 7.1-4-5);
- (6) the motor vehicle excise tax (IC 6-6-5);
- (7) the commercial vehicle excise tax (IC 6-6-5.5); and
- (8) the fees under IC 13-23.

(m) The name and business address of retail merchants within each county that sell tobacco products may be released to the division of mental health and addiction and the alcohol and tobacco commission solely for the purpose of the list prepared under IC 6-2.5-6-14.2.



1 SECTION 204. IC 12-19-1-21 IS AMENDED TO READ AS
 2 FOLLOWS [EFFECTIVE JANUARY 1, 2009]: Sec. 21. (a)
 3 Notwithstanding any other law, after December 31, 1999, a county may
 4 not impose any of the following:

5 (1) A property tax levy for a county welfare fund.

6 (2) A property tax levy for a county welfare administration fund.

7 **(b) Notwithstanding any other law, after December 31, 2008, a**
 8 **county may not impose any of the following:**

9 (1) A property tax levy for a county medical assistance to
 10 wards fund.

11 (2) A property tax levy for a county family and children's
 12 services fund.

13 (3) A property tax levy for a children's psychiatric residential
 14 treatment services fund.

15 (4) A property tax levy for a children with special health care
 16 needs county fund.

17 SECTION 205. IC 15-1.5-7-3 IS AMENDED TO READ AS
 18 FOLLOWS [EFFECTIVE JANUARY 1, 2009]: Sec. 3. (a) The fund
 19 consists of the following:

20 ~~(1) Revenue from the property tax imposed under IC 15-1.5-8.~~

21 ~~(2) (1)~~ Appropriations made by the general assembly.

22 ~~(3) (2)~~ Interest accruing from investment of money in the fund.

23 ~~(4) (3)~~ Certain proceeds from the operation of the fair.

24 (b) The fund is divided into the following accounts:

25 (1) Agricultural fair revolving contingency account.

26 (2) Other accounts established by the commission.

27 (c) The money credited to the agricultural fair revolving
 28 contingency account may only be used to pay start-up expenses for the
 29 fair each year. Money used to pay the start-up expenses from the
 30 account shall be replaced using proceeds from the operation of the fair
 31 before the proceeds may be used for any other purpose.

32 SECTION 206. IC 20-40-2-4, AS ADDED BY P.L.2-2006,
 33 SECTION 163, IS AMENDED TO READ AS FOLLOWS
 34 [EFFECTIVE JANUARY 1, 2009]: Sec. 4. Except as provided by law,
 35 any lawful school expenses payable from any other fund of a school
 36 corporation, ~~including debt service and capital outlay, but~~ excluding
 37 costs attributable to ~~debt service, costs attributable to capital outlay,~~
 38 **and costs attributable to** transportation (as defined in IC 20-40-6-1),
 39 may be budgeted in and paid from the fund.

40 SECTION 207. IC 20-40-6-7, AS ADDED BY P.L.2-2006,
 41 SECTION 163, IS AMENDED TO READ AS FOLLOWS
 42 [EFFECTIVE JANUARY 1, 2009]: Sec. 7. ~~In addition to property tax~~



1 ~~collections~~, Receipts available for school transportation from any ~~other~~
 2 revenue source shall be received in and disbursed from the fund to pay
 3 costs attributable to transportation. An expenditure may be made only
 4 if it has been provided for in the school corporation's annual budget or
 5 by an additional appropriation under IC 6-1.1-18-5.

6 SECTION 208. IC 20-46-1-8, AS ADDED BY P.L.2-2006,
 7 SECTION 169, IS AMENDED TO READ AS FOLLOWS
 8 [EFFECTIVE JULY 1, 2008]: Sec. 8. (a) This ~~section~~ **subsection**
 9 applies to a school corporation that includes a request for a levy under
 10 this chapter in an emergency appeal under IC 6-1.1-19 and
 11 IC 20-45-6-2 **that is filed before January 1, 2009.**

12 ~~(b)~~ In addition to, or instead of, any recommendation that the tax
 13 control board may make in an appeal, the tax control board may
 14 recommend that the appellant school corporation be permitted to make
 15 a levy for the ensuing calendar year under this chapter.

16 **(b) This subsection applies after December 31, 2008. A school**
 17 **corporation may appeal to the department of local government**
 18 **finance to request a referendum under this chapter. The**
 19 **department of local government finance shall forward the request**
 20 **to the tax control board for review. The tax control board shall**
 21 **expedite the tax control board's review as necessary to permit the**
 22 **referendum to be conducted without a special election. If the tax**
 23 **control board concludes that the appellant school corporation**
 24 **cannot, in a calendar year, carry out the public educational duty**
 25 **committed to the appellant school corporation by law if the**
 26 **appellant school corporation does not receive emergency financial**
 27 **relief for the calendar year, the tax control board may recommend**
 28 **to the department of local government finance that the appellant**
 29 **school corporation be permitted to conduct a referendum under**
 30 **this chapter and, if a levy is approved by the voters in the**
 31 **referendum, make a levy under this chapter.**

32 SECTION 209. IC 25-34.1-3-8, AS AMENDED BY P.L.57-2007,
 33 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 34 JANUARY 1, 2009]: Sec. 8. (a) This section does not preclude a
 35 person who:

36 (1) is not licensed or certified as a real estate appraiser under this
 37 section; and

38 (2) is licensed as a broker under this article;
 39 from appraising real estate in Indiana for compensation.

40 (b) As used in this section, "federal act" refers to Title XI of the
 41 Financial Institutions Reform, Recovery, and Enforcement Act (12
 42 U.S.C. 3331 through 3351).



(c) The commission shall adopt rules to establish a real estate appraiser licensure and certification program to be administered by the board.

(d) The commission may not adopt rules under this section except upon the action and written recommendations of the board under IC 25-34.1-8-6.5.

(e) The real estate appraiser licensure and certification program established by the commission under this section must meet the requirements of:

(1) the federal act;

(2) any federal regulations adopted under the federal act; and

(3) any other requirements established by the commission as recommended by the board, including requirements for education, experience, examination, reciprocity, and temporary practice.

(f) The real estate appraiser licensure and certification requirements established by the commission under this section must require a person to meet the standards for real estate appraiser certification and licensure established:

(1) under the federal act;

(2) by federal regulations; and

(3) any other requirements established by the commission as recommended by the board, including requirements for education, experience, examination, reciprocity, and temporary practice.

(g) The commission may require continuing education as a condition of renewal for real estate appraiser licensure and certification.

(h) The following are not required to be a licensed or certified real estate appraiser to perform the requirements of IC 6-1.1-4:

(1) A county assessor. ~~who holds office under IC 36-2-15.~~

(2) ~~A township assessor who holds office under IC 36-6-5.~~

~~(3) (2) An individual employed by an officer described in subdivision (1) or (2).~~ **employee of a county assessor.**

(i) Notwithstanding IC 25-34.1-3-2(a):

(1) only a person who receives a license or certificate issued under the real estate appraiser licensure and certification program established under this section may appraise real estate involved in transactions governed by:

(A) the federal act; and

(B) any regulations adopted under the federal act;

as determined under rules adopted by the commission, as recommended by the board; and

(2) a person who receives a license or certificate issued under the



real estate appraiser licensure and certification program established under this section may appraise real estate not involved in transactions governed by:

(A) the federal act; and

(B) any regulations adopted under the federal act;

as determined under rules adopted by the commission, as recommended by the board.

SECTION 210. IC 31-9-2-17.7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2009]: **Sec. 17.7. "Child services" means the following:**

(1) Child welfare services specifically provided for children who are:

(A) adjudicated to be:

(i) children in need of services; or

(ii) delinquent children; or

(B) recipients of or eligible for:

(i) informal adjustments;

(ii) service referral agreements; and

(iii) adoption assistance;

including the costs of using an institution or facility in Indiana for providing educational services as described in either IC 20-33-2-29 (if applicable) or IC 20-26-11-13 (if applicable), all services required to be paid by the department under IC 31-40-1-2, and all costs required to be paid by the department under IC 20-26-11-12.

(2) Assistance awarded by a county to a destitute child under IC 31-26-2.

(3) Child welfare services as described in IC 31-26-3.

SECTION 211. IC 32-21-2-13, AS AMENDED BY P.L.219-2007, SECTION 100, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2009]: Sec. 13. (a) ~~Except as provided in subsection (c),~~ If the auditor of the county ~~or the township assessor~~ under IC 6-1.1-5-9 and IC 6-1.1-5-9.1 determines it necessary, an instrument transferring fee simple title to less than the whole of a tract that will result in the division of the tract into at least two (2) parcels for property tax purposes may not be recorded unless the auditor ~~or township assessor~~ is furnished a drawing or other reliable evidence of the following:

(1) The number of acres in each new tax parcel being created.

(2) The existence or absence of improvements on each new tax parcel being created.



(3) The location within the original tract of each new tax parcel being created.

(b) Any instrument that is accepted for recording and placed of record that bears the endorsement required by IC 36-2-11-14 is presumed to comply with this section.

~~(c) If the duties of the township assessor have been transferred to the county assessor as described in IC 6-1.1-1-24, a reference to the township assessor in this section is considered to be a reference to the county assessor.~~

SECTION 212. IC 32-28-3-1, AS AMENDED BY P.L.219-2007, SECTION 101, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2009]: Sec. 1. (a) A contractor, a subcontractor, a mechanic, a lessor leasing construction and other equipment and tools, whether or not an operator is also provided by the lessor, a journeyman, a laborer, or any other person performing labor or furnishing materials or machinery, including the leasing of equipment or tools, for:

(1) the erection, alteration, repair, or removal of:

(A) a house, mill, manufactory, or other building; or

(B) a bridge, reservoir, system of waterworks, or other structure;

(2) the construction, alteration, repair, or removal of a walk or sidewalk located on the land or bordering the land, a stile, a well, a drain, a drainage ditch, a sewer, or a cistern; or

(3) any other earth moving operation;

may have a lien as set forth in this section.

(b) A person described in subsection (a) may have a lien separately or jointly:

(1) upon the house, mill, manufactory, or other building, bridge, reservoir, system of waterworks, or other structure, sidewalk, walk, stile, well, drain, drainage ditch, sewer, cistern, or earth:

(A) that the person erected, altered, repaired, moved, or removed; or

(B) for which the person furnished materials or machinery of any description; and

(2) on the interest of the owner of the lot or parcel of land:

(A) on which the structure or improvement stands; or

(B) with which the structure or improvement is connected;

to the extent of the value of any labor done or the material furnished, or both, including any use of the leased equipment and tools.

(c) All claims for wages of mechanics and laborers employed in or about a shop, mill, wareroom, storeroom, manufactory or structure,



bridge, reservoir, system of waterworks or other structure, sidewalk, walk, stile, well, drain, drainage ditch, cistern, or any other earth moving operation shall be a lien on all the:

- (1) machinery;
- (2) tools;
- (3) stock;
- (4) material; or
- (5) finished or unfinished work;

located in or about the shop, mill, wareroom, storeroom, manufactory or other building, bridge, reservoir, system of waterworks, or other structure, sidewalk, walk, stile, well, drain, drainage ditch, sewer, cistern, or earth used in a business.

(d) If the person, firm, limited liability company, or corporation described in subsection (a) or (c) is in failing circumstances, the claims described in this section shall be preferred debts whether a claim or notice of lien has been filed.

(e) Subject to subsection (f), a contract:

- (1) for the construction, alteration, or repair of a Class 2 structure (as defined in IC 22-12-1-5);
- (2) for the construction, alteration, or repair of an improvement on the same real estate auxiliary to a Class 2 structure (as defined in IC 22-12-1-5);
- (3) for the construction, alteration, or repair of property that is:
 - (A) owned, operated, managed, or controlled by a:
 - (i) public utility (as defined in IC 8-1-2-1);
 - (ii) municipally owned utility (as defined in IC 8-1-2-1);
 - (iii) joint agency (as defined in IC 8-1-2.2-2);
 - (iv) rural electric membership corporation formed under IC 8-1-13-4;
 - (v) rural telephone cooperative corporation formed under IC 8-1-17; or
 - (vi) not-for-profit utility (as defined in IC 8-1-2-125);

regulated under IC 8; and

(B) intended to be used and useful for the production, transmission, delivery, or furnishing of heat, light, water, telecommunications services, or power to the public; or

(4) to prepare property for Class 2 residential construction; may include a provision or stipulation in the contract of the owner and principal contractor that a lien may not attach to the real estate, building, structure or any other improvement of the owner.

(f) A contract containing a provision or stipulation described in subsection (e) must meet the requirements of this subsection to be valid



1 against subcontractors, mechanics, journeymen, laborers, or persons
 2 performing labor upon or furnishing materials or machinery for the
 3 property or improvement of the owner. The contract must:

- 4 (1) be in writing;
- 5 (2) contain specific reference by legal description of the real
 6 estate to be improved;
- 7 (3) be acknowledged as provided in the case of deeds; and
- 8 (4) be filed and recorded in the recorder's office of the county in
 9 which the real estate, building, structure, or other improvement is
 10 situated not more than five (5) days after the date of execution of
 11 the contract.

12 A contract containing a provision or stipulation described in subsection
 13 (e) does not affect a lien for labor, material, or machinery supplied
 14 before the filing of the contract with the recorder.

15 (g) Upon the filing of a contract under subsection (f), the recorder
 16 shall:

- 17 (1) record the contract at length in the order of the time it was
 18 received in books provided by the recorder for that purpose;
- 19 (2) index the contract in the name of the:
 20 (A) contractor; and
 21 (B) owner;
 22 in books kept for that purpose; and
- 23 (3) collect a fee for recording the contract as is provided for the
 24 recording of deeds and mortgages.

25 (h) A person, firm, partnership, limited liability company, or
 26 corporation that sells or furnishes on credit any material, labor, or
 27 machinery for the alteration or repair of an owner occupied single or
 28 double family dwelling or the appurtenances or additions to the
 29 dwelling to:

- 30 (1) a contractor, subcontractor, mechanic; or
- 31 (2) anyone other than the occupying owner or the owner's legal
 32 representative;

33 must furnish to the occupying owner of the parcel of land where the
 34 material, labor, or machinery is delivered a written notice of the
 35 delivery or work and of the existence of lien rights not later than thirty
 36 (30) days after the date of first delivery or labor performed. The
 37 furnishing of the notice is a condition precedent to the right of
 38 acquiring a lien upon the lot or parcel of land or the improvement on
 39 the lot or parcel of land.

40 (i) A person, firm, partnership, limited liability company, or
 41 corporation that sells or furnishes on credit material, labor, or
 42 machinery for the original construction of a single or double family



dwelling for the intended occupancy of the owner upon whose real estate the construction takes place to a contractor, subcontractor, mechanic, or anyone other than the owner or the owner's legal representatives must:

(1) furnish the owner of the real estate:

(A) as named in the latest entry in the transfer books described in IC 6-1.1-5-4 of the county auditor; or

(B) if IC 6-1.1-5-9 applies, as named in the transfer books of the ~~township assessor or the~~ county assessor;

with a written notice of the delivery or labor and the existence of lien rights not later than sixty (60) days after the date of the first delivery or labor performed; and

(2) file a copy of the written notice in the recorder's office of the county not later than sixty (60) days after the date of the first delivery or labor performed.

The furnishing and filing of the notice is a condition precedent to the right of acquiring a lien upon the real estate or upon the improvement constructed on the real estate.

(j) A lien for material or labor in original construction does not attach to real estate purchased by an innocent purchaser for value without notice of a single or double family dwelling for occupancy by the purchaser unless notice of intention to hold the lien is recorded under section 3 of this chapter before recording the deed by which the purchaser takes title.

SECTION 213. IC 32-28-3-3, AS AMENDED BY P.L.219-2007, SECTION 102, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2009]: Sec. 3. (a) Except as provided in subsection (b), a person who wishes to acquire a lien upon property, whether the claim is due or not, must file in duplicate a sworn statement and notice of the person's intention to hold a lien upon the property for the amount of the claim:

(1) in the recorder's office of the county; and

(2) not later than ninety (90) days after performing labor or furnishing materials or machinery described in section 1 of this chapter.

The statement and notice of intention to hold a lien may be verified and filed on behalf of a client by an attorney registered with the clerk of the supreme court as an attorney in good standing under the requirements of the supreme court.

(b) This subsection applies to a person that performs labor or furnishes materials or machinery described in section 1 of this chapter related to a Class 2 structure (as defined in IC 22-12-1-5) or an



improvement on the same real estate auxiliary to a Class 2 structure (as defined in IC 22-12-1-5). A person who wishes to acquire a lien upon property, whether the claim is due or not, must file in duplicate a sworn statement and notice of the person's intention to hold a lien upon the property for the amount of the claim:

- (1) in the recorder's office of the county; and
- (2) not later than sixty (60) days after performing labor or furnishing materials or machinery described in section 1 of this chapter.

The statement and notice of intention to hold a lien may be verified and filed on behalf of a client by an attorney registered with the clerk of the supreme court as an attorney in good standing under the requirements of the supreme court.

(c) A statement and notice of intention to hold a lien filed under this section must specifically set forth:

- (1) the amount claimed;
- (2) the name and address of the claimant;
- (3) the owner's:
 - (A) name; and
 - (B) latest address as shown on the property tax records of the county; and
- (4) the:
 - (A) legal description; and
 - (B) street and number, if any;
 of the lot or land on which the house, mill, manufactory or other buildings, bridge, reservoir, system of waterworks, or other structure may stand or be connected with or to which it may be removed.

The name of the owner and legal description of the lot or land will be sufficient if they are substantially as set forth in the latest entry in the transfer books described in IC 6-1.1-5-4 of the county auditor or, if IC 6-1.1-5-9 applies, the transfer books of the ~~township assessor or the~~ county assessor at the time of filing of the notice of intention to hold a lien.

(d) The recorder shall:

- (1) mail, first class, one (1) of the duplicates of the statement and notice of intention to hold a lien to the owner named in the statement and notice not later than three (3) business days after recordation;
- (2) post records as to the date of the mailing; and
- (3) collect a fee of two dollars (\$2) from the lien claimant for each statement and notice that is mailed.



1 The statement and notice shall be addressed to the latest address of the
 2 owner as specifically set out in the sworn statement and notice of the
 3 person intending to hold a lien upon the property.

4 SECTION 214. IC 36-1-8-14.2, AS AMENDED BY P.L.219-2007,
 5 SECTION 105, IS AMENDED TO READ AS FOLLOWS
 6 [EFFECTIVE JANUARY 1, 2009]: Sec. 14.2. (a) As used in this
 7 section, the following terms have the meanings set forth in IC 6-1.1-1:

8 (1) Assessed value.

9 (2) Exemption.

10 (3) Owner.

11 (4) Person.

12 (5) Property taxation.

13 (6) Real property.

14 ~~(7) Township assessor.~~

15 (b) As used in this section, "PILOTS" means payments in lieu of
 16 taxes.

17 (c) As used in this section, "property owner" means the owner of
 18 real property described in IC 6-1.1-10-16.7.

19 (d) Subject to the approval of a property owner, the governing body
 20 of a political subdivision may adopt an ordinance to require the
 21 property owner to pay PILOTS at times set forth in the ordinance with
 22 respect to real property that is subject to an exemption under
 23 IC 6-1.1-10-16.7, if the improvements that qualify the real property for
 24 an exemption were begun or acquired after December 31, 2001. The
 25 ordinance remains in full force and effect until repealed or modified by
 26 the governing body, subject to the approval of the property owner.

27 (e) The PILOTS must be calculated so that the PILOTS are in an
 28 amount equal to the amount of property taxes that would have been
 29 levied by the governing body for the political subdivision upon the real
 30 property described in subsection (d) if the property were not subject to
 31 an exemption from property taxation.

32 (f) PILOTS shall be imposed as are property taxes and shall be
 33 based on the assessed value of the real property described in subsection
 34 (d). ~~Except as provided in subsection (j);~~ The ~~township assessors~~
 35 **county assessor** shall assess the real property described in subsection
 36 (d) as though the property were not subject to an exemption.

37 (g) PILOTS collected under this section shall be deposited in the
 38 unit's affordable housing fund established under IC 5-20-5-15.5 and
 39 used for any purpose for which the affordable housing fund may be
 40 used.

41 (h) PILOTS shall be due as set forth in the ordinance and bear
 42 interest, if unpaid, as in the case of other taxes on property. PILOTS



1 shall be treated in the same manner as taxes for purposes of all
2 procedural and substantive provisions of law.

3 (i) This section does not apply to a county that contains a
4 consolidated city or to a political subdivision of the county.

5 ~~(j) If the duties of the township assessor have been transferred to the~~
6 ~~county assessor as described in IC 6-1-1-1-24, a reference to the~~
7 ~~township assessor in this section is considered to be a reference to the~~
8 ~~county assessor.~~

9 SECTION 215. IC 36-2-5-5 IS AMENDED TO READ AS
10 FOLLOWS [EFFECTIVE JANUARY 1, 2009]: Sec. 5. (a) Before the
11 Thursday after the first Monday in August of each year, each county
12 officer ~~and township assessor~~ shall prepare an itemized estimate of the
13 amount of money required for ~~his~~ **the officer's** office for the next
14 calendar year. Each budget estimate under this section must include:

- 15 (1) the compensation of the officer;
- 16 (2) the expense of employing deputies;
- 17 (3) the expense of office supplies, itemized by the quantity and
18 probable cost of each kind of supplies;
- 19 (4) the expense of litigation for the office; and
- 20 (5) other expenses of the office, specifically itemized;

21 that are payable out of the county treasury.

22 (b) If all or part of the expenses of a county office may be paid out
23 of the county treasury, but only under an order of the county executive
24 to that effect, the expenses of the office shall be included in the
25 officer's budget estimate and may not be included in the county
26 executive's budget estimate.

27 SECTION 216. IC 36-2-6-8 IS AMENDED TO READ AS
28 FOLLOWS [EFFECTIVE JANUARY 1, 2009]: Sec. 8. (a) The county
29 executive or a court may not make an allowance to a county officer for:

- 30 (1) services rendered in a criminal action;
- 31 (2) services rendered in a civil action; or
- 32 (3) extra services rendered in ~~his~~ **the county officer's** capacity as
33 a county officer.

34 (b) The county executive may make an allowance to the clerk of the
35 circuit court, county auditor, county treasurer, county sheriff, ~~township~~
36 ~~assessor~~, or county assessor, or to any of those officers' employees, only
37 if:

- 38 (1) the allowance is specifically required by law; or
- 39 (2) the county executive finds, on the record, that the allowance
40 is necessary in the public interest.

41 (c) A member of the county executive who recklessly violates
42 subsection (b) commits a Class C misdemeanor and forfeits ~~his~~ **the**



1 **member's** office.

2 SECTION 217. IC 36-2-6-22, AS AMENDED BY P.L.219-2007,
3 SECTION 107, IS AMENDED TO READ AS FOLLOWS
4 [EFFECTIVE JANUARY 1, 2009]: Sec. 22. (a) As used in this section,
5 the following terms have the meanings set forth in IC 6-1.1-1:

6 (1) Assessed value.

7 (2) Exemption.

8 (3) Owner.

9 (4) Person.

10 (5) Property taxation.

11 (6) Real property.

12 ~~(7) Township assessor.~~

13 (b) As used in this section, "PILOTS" means payments in lieu of
14 taxes.

15 (c) As used in this section, "property owner" means the owner of
16 real property described in IC 6-1.1-10-16.7 that is not located in a
17 county containing a consolidated city.

18 (d) Subject to the approval of a property owner, the fiscal body of
19 a county may adopt an ordinance to require the property owner to pay
20 PILOTS at times set forth in the ordinance with respect to real property
21 that is subject to an exemption under IC 6-1.1-10-16.7. The ordinance
22 remains in full force and effect until repealed or modified by the
23 legislative body, subject to the approval of the property owner.

24 (e) The PILOTS must be calculated so that the PILOTS are in an
25 amount equal to the amount of property taxes that would have been
26 levied upon the real property described in subsection (d) if the property
27 were not subject to an exemption from property taxation.

28 (f) PILOTS shall be imposed in the same manner as property taxes
29 and shall be based on the assessed value of the real property described
30 in subsection (d). ~~Except as provided in subsection (i);~~ The township
31 ~~assessors~~ **county assessor** shall assess the real property described in
32 subsection (d) as though the property were not subject to an exemption.

33 (g) PILOTS collected under this section shall be distributed in the
34 same manner as if they were property taxes being distributed to taxing
35 units in the county.

36 (h) PILOTS shall be due as set forth in the ordinance and bear
37 interest, if unpaid, as in the case of other taxes on property. PILOTS
38 shall be treated in the same manner as taxes for purposes of all
39 procedural and substantive provisions of law.

40 ~~(i) If the duties of the township assessor have been transferred to the~~
41 ~~county assessor as described in IC 6-1.1-1-24;~~ a reference to the
42 township assessor in this section is considered to be a reference to the



1 county assessor.

2 SECTION 218. IC 36-2-15-2, AS AMENDED BY P.L.88-2005,
3 SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
4 JULY 1, 2008]: Sec. 2. (a) **Before July 1, 2008**, a county assessor ~~shall~~
5 **be is** elected under IC 3-10-2-13 by the voters of the county.

6 (b) ~~To be eligible to serve as an assessor, a person must meet the~~
7 ~~qualifications prescribed by IC 3-8-1-23.~~

8 (c) A county assessor must reside within the county as provided in
9 Article 6, Section 6 of the Constitution of the State of Indiana. The
10 assessor forfeits office if the assessor ceases to be a resident of the
11 county.

12 (d) ~~The term of office of a county assessor is four (4) years,~~
13 ~~beginning January 1 after election and continuing until a successor is~~
14 ~~elected and qualified. The elected office of county assessor ceases to~~
15 ~~exist on October 31, 2008. The appointed office of county assessor~~
16 ~~begins on November 1, 2008.~~

17 (b) The county executive shall recommend three (3) persons to
18 the county fiscal body for appointment to the position of county
19 assessor. Except as provided in subsection (c), and subject to
20 subsection (d), the county fiscal body shall appoint one (1) of the
21 persons recommended to serve as county assessor.

22 (c) If on October 31, 2008, the elected county assessor is
23 certified as a level two assessor-appraiser by the department of
24 local government finance, the county fiscal body shall appoint the
25 elected county assessor to serve as county assessor until the date on
26 which the person's term as elected county assessor would otherwise
27 expire.

28 (d) At the time of the person's appointment as county assessor,
29 the person must be:

30 (1) certified at the highest level of assessor-appraiser
31 currently certified by the department of local government
32 finance; and

33 (2) a resident of the county.

34 (e) Except as provided in subsection (c), the county assessor
35 serves at the pleasure of the county fiscal body.

36 SECTION 219. IC 36-2-15-5, AS AMENDED BY P.L.219-2007,
37 SECTION 108, IS AMENDED TO READ AS FOLLOWS
38 [EFFECTIVE JANUARY 1, 2009]: Sec. 5. ~~(a)~~ The county assessor
39 shall perform the functions assigned by statute to the county assessor,
40 including the following:

41 (1) Countywide equalization.

42 (2) Selection and maintenance of a countywide computer system.



(3) Certification of gross assessments to the county auditor.

(4) Discovery of omitted property.

(5) In a county in which the transfer of duties is required by subsection (c); Performance of the assessment duties prescribed by IC 6-1.1.

(b) The county assessor shall perform the functions of an assessing official under IC 36-6-5-2 in a township with a township assessor-trustee if the township assessor-trustee:

(1) fails to make a report that is required by law;

(2) fails to deliver a property tax record to the appropriate officer or board;

(3) fails to deliver an assessment to the county assessor; or

(4) fails to perform any other assessing duty as required by statute or rule of the department of local government finance;

within the time period prescribed by statute or rule of the department or within a later time that is necessitated by reason of another official failing to perform the official's functions in a timely manner.

(c) A township with a township trustee-assessor may, with the consent of the township board, enter into an agreement with:

(1) the county assessor; or

(2) another township assessor in the county;

to perform any of the functions of an assessing official. A township trustee-assessor may not contract for the performance of any function for a period of time that extends beyond the completion of the township trustee-assessor's term of office.

(d) A transfer of duties between assessors under subsection (c) does not affect:

(1) any assessment, assessment appeal, or other official action made by an assessor before the transfer; or

(2) any pending action against, or the rights of any party that may possess a legal claim against, an assessor that is not described in subdivision (1).

Any assessment, assessment appeal, or other official action of an assessor made by the assessor within the scope of the assessor's official duties before the transfer is considered as having been made by the assessor to whom the duties are transferred.

(e) If for a particular general election after June 30, 2008, the person elected to the office of township assessor or the office of township trustee-assessor has not attained the certification of a level two assessor-appraiser as provided in IC 3-8-1-23.5 before the date the term of office begins, the assessment duties prescribed by IC 6-1.1 that would otherwise be performed in the township by the township



assessor or township trustee-assessor are transferred to the county assessor on that date. If assessment duties in a township are transferred to the county assessor under this subsection, those assessment duties are transferred back to the township assessor or township trustee-assessor (as appropriate) if at a later election a person who has attained the certification of a level two assessor-appraiser as provided in IC 3-8-1-23.5 is elected to the office of township assessor or the office of township trustee-assessor.

(f) If assessment duties in a township are transferred to the county assessor under subsection (e):

(1) the office of elected township assessor remains vacant for the period during which the assessment duties prescribed by IC 6-1-1 are transferred to the county assessor; and

(2) the office of township trustee remains in place for the purpose of carrying out all functions of the office other than assessment duties prescribed by IC 6-1-1.

SECTION 220. IC 36-2-19-7, AS AMENDED BY P.L.219-2007, SECTION 110, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2009]: Sec. 7. (a) Except as provided in subsection (b); In a township county in which IC 6-1.1-5-9 or IC 6-1.1-5-9.1 applies, the county surveyor shall file a duplicate copy of any plat described in section 4 of this chapter with the township county assessor.

(b) If the duties of the township assessor have been transferred to the county assessor as described in IC 6-1.1-1-24, a reference to the township assessor in this section is considered to be a reference to the county assessor.

SECTION 221. IC 36-3-2-10, AS AMENDED BY P.L.219-2007, SECTION 111, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2009]: Sec. 10. (a) The general assembly finds the following:

(1) That the tax base of the consolidated city and the county have been significantly eroded through the ownership of tangible property by separate municipal corporations and other public entities that operate as private enterprises yet are exempt or whose property is exempt from property taxation.

(2) That to restore this tax base and provide a proper allocation of the cost of providing governmental services the legislative body of the consolidated city and county should be authorized to collect payments in lieu of taxes from these public entities.

(3) That the appropriate maximum payments in lieu of taxes would be the amount of the property taxes that would be paid if



- 1 the tangible property were not subject to an exemption.
- 2 (b) As used in this section, the following terms have the meanings
- 3 set forth in IC 6-1.1-1:
- 4 (1) Assessed value.
- 5 (2) Exemption.
- 6 (3) Owner.
- 7 (4) Person.
- 8 (5) Personal property.
- 9 (6) Property taxation.
- 10 (7) Tangible property.
- 11 ~~(8) Township assessor.~~
- 12 (c) As used in this section, "PILOTS" means payments in lieu of
- 13 taxes.
- 14 (d) As used in this section, "public entity" means any of the
- 15 following government entities in the county:
- 16 (1) An airport authority operating under IC 8-22-3.
- 17 (2) A capital improvement board of managers under IC 36-10-9.
- 18 (3) A building authority operating under IC 36-9-13.
- 19 (4) A wastewater treatment facility.
- 20 (e) The legislative body of the consolidated city may adopt an
- 21 ordinance to require a public entity to pay PILOTS at times set forth in
- 22 the ordinance with respect to:
- 23 (1) tangible property of which the public entity is the owner or the
- 24 lessee and that is subject to an exemption;
- 25 (2) tangible property of which the owner is a person other than a
- 26 public entity and that is subject to an exemption under IC 8-22-3;
- 27 or
- 28 (3) both.
- 29 The ordinance remains in full force and effect until repealed or
- 30 modified by the legislative body.
- 31 (f) The PILOTS must be calculated so that the PILOTS may be in
- 32 any amount that does not exceed the amount of property taxes that
- 33 would have been levied by the legislative body for the consolidated city
- 34 and county upon the tangible property described in subsection (e) if the
- 35 property were not subject to an exemption from property taxation.
- 36 (g) PILOTS shall be imposed as are property taxes and shall be
- 37 based on the assessed value of the tangible property described in
- 38 subsection (e). ~~Except as provided in subsection (f);~~ The township
- 39 ~~assessors county assessor~~ shall assess the tangible property described
- 40 in subsection (e) as though the property were not subject to an
- 41 exemption. The public entity shall report the value of personal property
- 42 in a manner consistent with IC 6-1.1-3.



(h) Notwithstanding any law to the contrary, a public entity is authorized to pay PILOTS imposed under this section from any legally available source of revenues. The public entity may consider these payments to be operating expenses for all purposes.

(i) PILOTS shall be deposited in the consolidated county fund and used for any purpose for which the consolidated county fund may be used.

(j) PILOTS shall be due as set forth in the ordinance and bear interest, if unpaid, as in the case of other taxes on property. PILOTS shall be treated in the same manner as taxes for purposes of all procedural and substantive provisions of law.

(k) PILOTS imposed on a wastewater treatment facility may be paid only from the cash earnings of the facility remaining after provisions have been made to pay for current obligations, including:

- (1) operating and maintenance expenses;
- (2) payment of principal and interest on any bonded indebtedness;
- (3) depreciation or replacement fund expenses;
- (4) bond and interest sinking fund expenses; and
- (5) any other priority fund requirements required by law or by any bond ordinance, resolution, indenture, contract, or similar instrument binding on the facility.

~~(f) If the duties of the township assessor have been transferred to the county assessor as described in IC 6-1.1-1-24, a reference to the township assessor in this section is considered to be a reference to the county assessor.~~

SECTION 222. IC 36-3-2-11, AS AMENDED BY P.L.219-2007, SECTION 112, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2009]: Sec. 11. (a) As used in this section, the following terms have the meanings set forth in IC 6-1.1-1:

- (1) Assessed value.
- (2) Exemption.
- (3) Owner.
- (4) Person.
- (5) Property taxation.
- (6) Real property.
- ~~(7) Township assessor.~~

(b) As used in this section, "PILOTS" means payments in lieu of taxes.

(c) As used in this section, "property owner" means the owner of real property described in IC 6-1.1-10-16.7 that is located in a county with a consolidated city.

(d) Subject to the approval of a property owner, the legislative body



1 of the consolidated city may adopt an ordinance to require the property
 2 owner to pay PILOTS at times set forth in the ordinance with respect
 3 to real property that is subject to an exemption under IC 6-1.1-10-16.7.
 4 The ordinance remains in full force and effect until repealed or
 5 modified by the legislative body, subject to the approval of the property
 6 owner.

7 (e) The PILOTS must be calculated so that the PILOTS are in an
 8 amount that is:

9 (1) agreed upon by the property owner and the legislative body of
 10 the consolidated city;

11 (2) a percentage of the property taxes that would have been levied
 12 by the legislative body for the consolidated city and the county
 13 upon the real property described in subsection (d) if the property
 14 were not subject to an exemption from property taxation; and

15 (3) not more than the amount of property taxes that would have
 16 been levied by the legislative body for the consolidated city and
 17 county upon the real property described in subsection (d) if the
 18 property were not subject to an exemption from property taxation.

19 (f) PILOTS shall be imposed as are property taxes and shall be
 20 based on the assessed value of the real property described in subsection
 21 (d). ~~Except as provided in subsection (i);~~ The ~~township assessors~~
 22 **county assessor** shall assess the real property described in subsection
 23 (d) as though the property were not subject to an exemption.

24 (g) PILOTS collected under this section shall be deposited in the
 25 housing trust fund established under IC 36-7-15.1-35.5 and used for
 26 any purpose for which the housing trust fund may be used.

27 (h) PILOTS shall be due as set forth in the ordinance and bear
 28 interest, if unpaid, as in the case of other taxes on property. PILOTS
 29 shall be treated in the same manner as taxes for purposes of all
 30 procedural and substantive provisions of law.

31 ~~(i) If the duties of the township assessor have been transferred to the~~
 32 ~~county assessor as described in IC 6-1.1-1-24, a reference to the~~
 33 ~~township assessor in this section is considered to be a reference to the~~
 34 ~~county assessor.~~

35 SECTION 223. IC 36-3-6-4, AS AMENDED BY P.L.227-2005,
 36 SECTION 31, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 37 JANUARY 1, 2009]: Sec. 4. (a) Before the Wednesday after the first
 38 Monday in July each year, the consolidated city and county shall
 39 prepare budget estimates for the ensuing budget year under this section.

40 (b) The following officers shall prepare for their respective
 41 departments, offices, agencies, or courts an estimate of the amount of
 42 money required for the ensuing budget year, stating in detail each



category and item of expenditure they anticipate:

(1) The director of each department of the consolidated city.

(2) Each ~~township assessor~~, elected county officer or head of a county agency.

(3) The county clerk, for each court ~~of which he is the clerk~~ **serves.**

(c) In addition to the estimates required by subsection (b), the county clerk shall prepare an estimate of the amount of money that is, under law, taxable against the county for the expenses of cases tried in other counties on changes of venue.

(d) Each officer listed in subsection (b)(2) or (b)(3) shall append a certificate to each estimate the officer prepares stating that in the officer's opinion the amount fixed in each item will be required for the purpose indicated. The certificate must be verified by the oath of the officer.

(e) An estimate for a court or division of a court is subject to modification and approval by the judge of the court or division.

(f) All of the estimates prepared by city officers and county officers shall be submitted to the controller.

(g) The controller shall also prepare an itemized estimate of city and county expenditures for other purposes above the money proposed to be used by the city departments and county officers and agencies.

SECTION 224. IC 36-5-1-3, AS AMENDED BY P.L.219-2007, SECTION 115, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2009]: Sec. 3. ~~(a)~~ A petition for incorporation must be accompanied by the following items, to be supplied at the expense of the petitioners:

(1) A survey, certified by a surveyor registered under IC 25-21.5, showing the boundaries of and quantity of land contained in the territory sought to be incorporated.

(2) An enumeration of the territory's residents and landowners and their mailing addresses, completed not more than thirty (30) days before the time of filing of the petition and verified by the persons supplying it.

(3) ~~Except as provided in subsection (b);~~ A statement of the assessed valuation of all real property within the territory, certified by the ~~assessors~~ **county assessor** of the ~~townships~~ **county** in which the territory is located.

(4) A statement of the services to be provided to the residents of the proposed town and the approximate times at which they are to be established.

(5) A statement of the estimated cost of the services to be



provided and the proposed tax rate for the town.

(6) The name to be given to the proposed town.

~~(b) If the duties of the township assessor have been transferred to the county assessor as described in IC 6-1.1-1-24, a reference to the township assessor in this section is considered to be a reference to the county assessor.~~

SECTION 225. IC 36-6-1.5-7, AS ADDED BY P.L.240-2005, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2009]: Sec. 7. If township governments merge under this chapter,

~~(1) IC 36-6-6 applies to the election of the township board and~~

~~(2) IC 36-6-5-1 applies to the election of a township assessor;~~
of the new township government.

SECTION 226. IC 36-6-4-3, AS AMENDED BY P.L.1-2006, SECTION 562, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2009]: Sec. 3. The executive shall do the following:

(1) Keep a written record of official proceedings.

(2) Manage all township property interests.

(3) Keep township records open for public inspection.

(4) Attend all meetings of the township legislative body.

(5) Receive and pay out township funds.

(6) Examine and settle all accounts and demands chargeable against the township.

(7) Administer township assistance under IC 12-20 and IC 12-30-4.

(8) Perform the duties of fence viewer under IC 32-26.

~~(9) Act as township assessor when required by IC 36-6-5.~~

~~(10) (9) Provide and maintain cemeteries under IC 23-14.~~

~~(11) (10) Provide fire protection under IC 36-8, except in a township that:~~

(A) is located in a county having a consolidated city; and

(B) consolidated the township's fire department under IC 36-3-1-6.1.

~~(12) (11) File an annual personnel report under IC 5-11-13.~~

~~(13) (12) Provide and maintain township parks and community centers under IC 36-10.~~

~~(14) (13) Destroy detrimental plants, noxious weeds, and rank vegetation under IC 15-3-4.~~

~~(15) (14) Provide insulin to the poor under IC 12-20-16.~~

~~(16) (15) Perform other duties prescribed by statute.~~

SECTION 227. IC 36-6-6-10, AS AMENDED BY P.L.169-2006,



SECTION 56, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2009]: Sec. 10. ~~(a)~~ This section does not apply to the appropriation of money to pay a deputy, an employee, or a technical adviser that assists a township assessor with assessment duties or to an elected township assessor.

~~(b)~~ (a) The township legislative body shall fix the:

- (1) salaries;
- (2) wages;
- (3) rates of hourly pay; and
- (4) remuneration other than statutory allowances;

of all officers and employees of the township.

~~(e)~~ (b) Subject to subsection ~~(d)~~, (c), the township legislative body may reduce the salary of an elected or appointed official. However, except as provided in subsection ~~(i)~~ (g), the official is entitled to a salary that is not less than the salary fixed for the first year of the term of office that immediately preceded the current term of office.

~~(d)~~ (c) Except as provided in subsections ~~(e)~~ and ~~(i)~~ subsection (g), the township legislative body may not alter the salaries of elected or appointed officers during the fiscal year for which they are fixed, but it may add or eliminate any other position and change the salary of any other employee, if the necessary funds and appropriations are available.

(e) In a township that does not elect a township assessor under IC 36-6-5-1, the township legislative body may appropriate available township funds to supplement the salaries of elected or appointed officers to compensate them for performing assessing duties. However, in any calendar year no officer or employee may receive a salary and additional salary supplements which exceed the salary fixed for that officer or employee under subsection (b).

~~(f)~~ (d) If a change in the mileage allowance paid to state officers and employees is established by July 1 of any year, that change shall be included in the compensation fixed for the township executive and assessor under this section, to take effect January 1 of the next year. However, the township legislative body may by ordinance provide for the change in the sum per mile to take effect before January 1 of the next year.

~~(g)~~ (e) The township legislative body may not reduce the salary of the township executive without the consent of the township executive during the term of office of the township executive as set forth in IC 36-6-4-2.

~~(h)~~ (f) This subsection applies when a township executive dies or resigns from office. The person filling the vacancy of the township executive shall receive at least the same salary the previous township



1 executive received for the remainder of the unexpired term of office of
 2 the township executive (as set forth in IC 36-6-4-2), unless the person
 3 consents to a reduction in salary.

4 (†) (g) In a year in which there is not an election of members to the
 5 township legislative body, the township legislative body may by
 6 unanimous vote reduce the salaries of the members of the township
 7 legislative body by any amount.

8 SECTION 228. IC 36-7-11.2-58, AS AMENDED BY P.L.219-2007,
 9 SECTION 122, IS AMENDED TO READ AS FOLLOWS
 10 [EFFECTIVE JANUARY 1, 2009]: Sec. 58. (a) A person who has filed
 11 a petition under section 56 or 57 of this chapter shall, not later than ten
 12 (10) days after the filing, serve notice upon all interested parties. The
 13 notice must state the following:

14 (1) The full name and address of the following:

15 (A) The petitioner.

16 (B) Each attorney acting for and on behalf of the petitioner.

17 (2) The street address of the Meridian Street and bordering
 18 property for which the petition was filed.

19 (3) The name of the owner of the property.

20 (4) The full name and address of, and the type of business, if any,
 21 conducted by:

22 (A) each person who at the time of the filing is a party to; and

23 (B) each person who is a disclosed or an undisclosed principal
 24 for whom the party was acting as agent in entering into;

25 a contract of sale, lease, option to purchase or lease, agreement to
 26 build or develop, or other written agreement of any kind or nature
 27 concerning the subject property or the present or future
 28 ownership, use, occupancy, possession, or development of the
 29 subject property.

30 (5) A description of the contract of sale, lease, option to purchase
 31 or lease, agreement to build or develop, or other written
 32 agreement sufficient to disclose the full nature of the interest of
 33 the party or of the party's principal in the subject property or in
 34 the present or future ownership, use, occupancy, possession, or
 35 development of the subject property.

36 (6) A description of the proposed use for which the rezoning or
 37 zoning variance is sought, sufficiently detailed to appraise the
 38 notice recipient of the true character, nature, extent, and physical
 39 properties of the proposed use.

40 (7) The date of the filing of the petition.

41 (8) The date, time, and place of the next regular meeting of the
 42 commission if a petition is for approval of a zoning variance. If a



petition is filed with the development commission, the notice does not have to specify the date of a hearing before the commission or the development commission. However, the person filing the petition shall give ten (10) days notice of the date, time, and place of a hearing before the commission on the petition after the referral of the petition to the commission by the development commission.

(b) For purposes of giving notice to the interested parties who are owners, the records in the bound volumes of the recent real estate tax assessment records as the records appear in

~~(1) the offices of the township assessors; or~~

~~(2) the office of the county assessor~~

as of the date of filing are considered determinative of the persons who are owners.

SECTION 229. IC 36-7-11.3-6, AS AMENDED BY P.L.219-2007, SECTION 123, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2009]: Sec. 6. As used in this chapter, "notice" means written notice:

(1) served personally upon the person, official, or office entitled to the notice; or

(2) served upon the person, official, or office by placing the notice in the United States mail, first class postage prepaid, properly addressed to the person, official, or office. Notice is considered served if mailed in the manner prescribed by this subdivision properly addressed to the following:

(A) The governor, both to the address of the governor's official residence and to the governor's executive office in Indianapolis.

(B) The Indiana department of transportation, to the commissioner.

(C) The department of natural resources, both to the director of the department and to the director of the department's division of historic preservation and archeology.

(D) The municipal plan commission.

(E) An occupant, to:

(i) the person by name; or

(ii) if the name is unknown, the "Occupant" at the address of the primary or secondary property occupied by the person.

(F) An owner, to the person by the name shown to be the name of the owner, and at the person's address, as appears in the records in the bound volumes of the most recent real estate tax assessment records as the records appear in



1 ~~(i) the offices of the township assessors; or~~

2 ~~(ii) the office of the county assessor.~~

3 (G) The society, to the organization at the latest address as
4 shown in the records of the commission.

5 SECTION 230. IC 36-7-11.3-52, AS AMENDED BY P.L.219-2007,
6 SECTION 124, IS AMENDED TO READ AS FOLLOWS
7 [EFFECTIVE JANUARY 1, 2009]: Sec. 52. (a) A person who has filed
8 a petition under section 50 or 51 of this chapter shall, not later than ten
9 (10) days after the filing, serve notice upon all interested parties. The
10 notice must state the following:

11 (1) The full name and address of the following:

12 (A) The petitioner.

13 (B) Each attorney acting for and on behalf of the petitioner.

14 (2) The street address of the primary and secondary property for
15 which the petition was filed.

16 (3) The name of the owner of the property.

17 (4) The full name and address of and the type of business, if any,
18 conducted by:

19 (A) each person who at the time of the filing is a party to; and

20 (B) each person who is a disclosed or an undisclosed principal
21 for whom the party was acting as agent in entering into;

22 a contract of sale, lease, option to purchase or lease, agreement to
23 build or develop, or other written agreement of any kind or nature
24 concerning the subject property or the present or future
25 ownership, use, occupancy, possession, or development of the
26 subject property.

27 (5) A description of the contract of sale, lease, option to purchase
28 or lease, agreement to build or develop, or other written
29 agreement sufficient to disclose the full nature of the interest of
30 the party or of the party's principal in the subject property or in
31 the present or future ownership, use, occupancy, possession, or
32 development of the subject property.

33 (6) A description of the proposed use for which the rezoning or
34 zoning variance is sought, sufficiently detailed to appraise the
35 notice recipient of the true character, nature, extent, and physical
36 properties of the proposed use.

37 (7) The date of the filing of the petition.

38 (8) The date, time, and place of the next regular meeting of the
39 commission if a petition is for approval of a zoning variance. If a
40 petition is filed with the development commission, the notice does
41 not have to specify the date of a hearing before the commission or
42 the development commission. However, the person filing the



petition shall give ten (10) days notice of the date, time, and place of a hearing before the commission on the petition after the referral of the petition to the commission by the development commission.

(b) For purposes of giving notice to the interested parties who are owners, the records in the bound volumes of the recent real estate tax assessment records as the records appear in

~~(1) the offices of the township assessors; or~~

~~(2) the office of the county assessor~~

as of the date of filing are considered determinative of the persons who are owners.

SECTION 231. IC 36-7-15.1-32, AS AMENDED BY P.L.219-2007, SECTION 130, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2009]: Sec. 32. (a) The commission must establish a program for housing. The program, which may include such elements as the commission considers appropriate, must be adopted as part of a redevelopment plan or amendment to a redevelopment plan, and must establish an allocation area for purposes of sections 26 and 35 of this chapter for the accomplishment of the program.

(b) The notice and hearing provisions of sections 10 and 10.5 of this chapter apply to the resolution adopted under subsection (a). Judicial review of the resolution may be made under section 11 of this chapter.

(c) Before formal submission of any housing program to the commission, the department shall consult with persons interested in or affected by the proposed program and provide the affected neighborhood associations, residents, ~~township assessors~~, and the county assessor with an adequate opportunity to participate in an advisory role in planning, implementing, and evaluating the proposed program. The department may hold public meetings in the affected neighborhood to obtain the views of neighborhood associations and residents.

SECTION 232. IC 36-7-30-31, AS AMENDED BY P.L.219-2007, SECTION 136, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2009]: Sec. 31. (a) As used in this section, the following terms have the meanings set forth in IC 6-1.1-1:

(1) Assessed value.

(2) Owner.

(3) Person.

(4) Personal property.

(5) Property taxation.

(6) Tangible property.

~~(7) Township assessor.~~



1 (b) As used in this section, "PILOTS" means payments in lieu of
2 taxes.

3 (c) The general assembly finds the following:

4 (1) That the closing of a military base in a unit results in an
5 increased cost to the unit of providing governmental services to
6 the area formerly occupied by the military base.

7 (2) That military base property held by a reuse authority is exempt
8 from property taxation, resulting in the lack of an adequate tax
9 base to support the increased governmental services.

10 (3) That to restore this tax base and provide a proper allocation of
11 the cost of providing governmental services the fiscal body of the
12 unit should be authorized to collect PILOTS from the reuse
13 authority.

14 (4) That the appropriate maximum PILOTS would be the amount
15 of the property taxes that would be paid if the tangible property
16 were not exempt.

17 (d) The fiscal body of the unit may adopt an ordinance to require a
18 reuse authority to pay PILOTS at times set forth in the ordinance with
19 respect to tangible property of which the reuse authority is the owner
20 or the lessee and that is exempt from property taxes. The ordinance
21 remains in full force and effect until repealed or modified by the fiscal
22 body.

23 (e) The PILOTS must be calculated so that the PILOTS do not
24 exceed the amount of property taxes that would have been levied by the
25 fiscal body for the unit upon the tangible property described in
26 subsection (d) if the property were not exempt from property taxation.

27 (f) PILOTS shall be imposed as are property taxes and shall be
28 based on the assessed value of the tangible property described in
29 subsection (d). ~~Except as provided in subsection (j); The township~~
30 ~~assessors county assessor~~ shall assess the tangible property described
31 in subsection (d) as though the property were not exempt. The reuse
32 authority shall report the value of personal property in a manner
33 consistent with IC 6-1.1-3.

34 (g) Notwithstanding any other law, a reuse authority is authorized
35 to pay PILOTS imposed under this section from any legally available
36 source of revenues. The reuse authority may consider these payments
37 to be operating expenses for all purposes.

38 (h) PILOTS shall be deposited in the general fund of the unit and
39 used for any purpose for which the general fund may be used.

40 (i) PILOTS shall be due as set forth in the ordinance and bear
41 interest, if unpaid, as in the case of other taxes on property. PILOTS
42 shall be treated in the same manner as property taxes for purposes of



1 all procedural and substantive provisions of law.

2 ~~(j) If the duties of the township assessor have been transferred to the~~
 3 ~~county assessor as described in IC 6-1.1-1-24, a reference to the~~
 4 ~~township assessor in this section is considered to be a reference to the~~
 5 ~~county assessor.~~

6 SECTION 233. IC 36-7-30.5-34, AS AMENDED BY P.L.219-2007,
 7 SECTION 139, IS AMENDED TO READ AS FOLLOWS
 8 [EFFECTIVE JANUARY 1, 2009]: Sec. 34. (a) As used in this section,
 9 the following terms have the meanings set forth in IC 6-1.1-1:

10 (1) Assessed value.

11 (2) Owner.

12 (3) Person.

13 (4) Personal property.

14 (5) Property taxation.

15 (6) Tangible property.

16 ~~(7) Township assessor.~~

17 (b) As used in this section, "PILOTS" means payments in lieu of
 18 taxes.

19 (c) The general assembly finds the following:

20 (1) That the closing of a military base in a unit results in an
 21 increased cost to the unit of providing governmental services to
 22 the area formerly occupied by the military base.

23 (2) That military base property held by a development authority
 24 is exempt from property taxation, resulting in the lack of an
 25 adequate tax base to support the increased governmental services.

26 (3) That to restore this tax base and provide a proper allocation of
 27 the cost of providing governmental services the fiscal body of the
 28 unit should be authorized to collect PILOTS from the
 29 development authority.

30 (4) That the appropriate maximum PILOTS would be the amount
 31 of the property taxes that would be paid if the tangible property
 32 were not exempt.

33 (d) The fiscal body of the unit may adopt an ordinance to require a
 34 development authority to pay PILOTS at times set forth in the
 35 ordinance with respect to tangible property of which the development
 36 authority is the owner or the lessee and that is exempt from property
 37 taxes. The ordinance remains in full force and effect until repealed or
 38 modified by the fiscal body.

39 (e) The PILOTS must be calculated so that the PILOTS do not
 40 exceed the amount of property taxes that would have been levied by the
 41 fiscal body for the unit upon the tangible property described in
 42 subsection (d) if the property were not exempt from property taxation.



(f) PILOTS shall be imposed as are property taxes and shall be based on the assessed value of the tangible property described in subsection (d). ~~Except as provided in subsection (j);~~ The ~~township assessors~~ **county assessor** shall assess the tangible property described in subsection (d) as though the property were not exempt. The development authority shall report the value of personal property in a manner consistent with IC 6-1.1-3.

(g) Notwithstanding any other law, a development authority is authorized to pay PILOTS imposed under this section from any legally available source of revenues. The development authority may consider these payments to be operating expenses for all purposes.

(h) PILOTS shall be deposited in the general fund of the unit and used for any purpose for which the general fund may be used.

(i) PILOTS shall be due as set forth in the ordinance and bear interest, if unpaid, as in the case of other taxes on property. PILOTS shall be treated in the same manner as property taxes for purposes of all procedural and substantive provisions of law.

~~(j) If the duties of the township assessor have been transferred to the county assessor as described in IC 6-1.1-1-24, a reference to the township assessor in this section is considered to be a reference to the county assessor.~~

SECTION 234. IC 36-9-11.1-11, AS AMENDED BY P.L.219-2007, SECTION 143, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2009]: Sec. 11. (a) All property of every kind, including air rights, acquired for off-street parking purposes, and all its funds and receipts, are exempt from taxation for all purposes. When any real property is acquired by the consolidated city, the county auditor shall, upon certification of that fact by the board, cancel all taxes then a lien. The certificate of the board must specifically describe the real property, including air rights, and the purpose for which acquired.

(b) A lessee of the city may not be assessed any tax upon any land, air rights, or improvements leased from the city, but the separate leasehold interest has the same status as leases on taxable real property, notwithstanding any other law. ~~Except as provided in subsection (c);~~ Whenever the city sells any such property to anyone for private use, the property becomes liable for all taxes after that, as other property is so liable and is assessed, and the board shall report all such sales to the ~~township~~ **county** assessor who shall cause the property to be upon the proper tax records.

~~(c) If the duties of the township assessor have been transferred to the county assessor as described in IC 6-1.1-1-24, a reference to the~~



township assessor in this section is considered to be a reference to the county assessor.

SECTION 235. THE FOLLOWING ARE REPEALED [EFFECTIVE MARCH 1, 2008 (RETROACTIVE)]: IC 6-1.1-21.2-13; IC 6-1.1-21.2-14.

SECTION 236. THE FOLLOWING ARE REPEALED [EFFECTIVE UPON PASSAGE]: IC 6-3.5-1.1-26; IC 6-3.5-1.5; IC 6-3.5-6-32.

SECTION 237. THE FOLLOWING ARE REPEALED [EFFECTIVE JULY 1, 2008]: IC 6-1.1-20-3.4; IC 6-1.1-29.5-14.

SECTION 238. THE FOLLOWING ARE REPEALED [EFFECTIVE JANUARY 1, 2009]: IC 3-8-1-23.5; IC 3-10-2-14; IC 3-13-10-3; IC 4-35-8-2; IC 4-35-8-4; IC 6-1.1-1-5.5; IC 6-1.1-1-22; IC 6-1.1-1-22.7; IC 6-1.1-1-24; IC 6-1.1-12-41; IC 6-1.1-17-8.5; IC 6-1.1-17-9; IC 6-1.1-17-10; IC 6-1.1-17-13, IC 6-1.1-17-14; IC 6-1.1-17-15; IC 6-1.1-17-16; IC 6-1.1-18-2; IC 6-1.1-18.5-15; IC 6-1.1-19-3; IC 6-1.1-19-4.1; IC 6-1.1-19-7; IC 6-1.1-20.3; IC 6-1.1-20.9; IC 6-1.1-21; IC 6-1.1-21.6; IC 6-1.1-21.7; IC 6-1.1-29-9; IC 6-1.1-35-4; IC 6-1.1-35-5; IC 6-3.5-7-25; IC 6-3.5-7-25.5; IC 12-13-8; IC 12-13-9; IC 12-19-5; IC 12-19-7; IC 12-19-7.5; IC 14-23-3-3; IC 15-1.5-8; IC 16-35-3; IC 16-35-4; IC 16-35-5; IC 20-40-6-3; IC 20-45-3; IC 20-45-4; IC 20-45-5; IC 20-45-6; IC 20-46-4; IC 36-2-15-7; IC 36-6-5.

SECTION 239. THE FOLLOWING ARE REPEALED [EFFECTIVE JULY 1, 2009]: IC 6-1.1-18.5-12; IC 6-1.1-18.5-13; IC 6-1.1-18.5-16.

SECTION 240. [EFFECTIVE JULY 1, 2008] (a) **This SECTION applies to:**

(1) each elected township assessor or township trustee-assessor whose assessment duties prescribed by IC 6-1.1 are eliminated under this act; and

(2) each elected county assessor.

(b) Each assessor referred to in subsection (a) shall:

(1) organize the records of the assessor's office relating to the assessment of tangible property in a manner prescribed by the department of local government finance; and

(2) transfer the records to the appointed county assessor as directed by the department of local government finance.

(c) An elected township assessor or township trustee-assessor referred to in subsection (a)(1) shall comply with subsection (b) before January 1, 2009. An elected county assessor shall comply with subsection (b) before:



1 (1) the date a county assessor appointed under
2 IC 36-2-15-2(c), as added by this act, leaves office; or

3 (2) if subdivision (1) does not apply, November 1, 2008.

4 (d) The department of local government finance shall determine
5 a procedure and schedule for the transfer of the records and
6 operations. The assessors shall assist each other and coordinate
7 their efforts to:

8 (1) ensure an orderly transfer of all records; and

9 (2) provide for an uninterrupted and professional transition
10 of the property assessment functions consistent with this act
11 and the directions of the department of local government
12 finance and this act.

13 (e) This SECTION expires January 1, 2012.

14 SECTION 241. [EFFECTIVE JULY 1, 2008] (a) The legislative
15 services agency shall prepare legislation for introduction in the
16 2009 regular session of the general assembly to correct statutes
17 affected by this act.

18 (b) This SECTION expires July 1, 2009.

19 SECTION 242. [EFFECTIVE UPON PASSAGE] (a) The
20 department of local government finance and the state board of
21 accounts shall assist the county boards of tax and capital projects
22 review in the transition of responsibility for the review and
23 approval of budgets, tax rates, tax levies, and spending in any
24 manner they consider appropriate, desirable, or necessary.

25 (b) This SECTION expires December 31, 2009.

26 SECTION 243. [EFFECTIVE JULY 1, 2008] (a) IC 6-1.1-12-37.5,
27 as added by this act, applies to property taxes first due and payable
28 after December 31, 2008.

29 (b) IC 6-1.1-20-3.6, as added by this act, applies to a notice of
30 preliminary determination adopted after December 31, 2008.

31 (c) IC 6-3.5-9, as added by this act, applies to a pledge of income
32 taxes under IC 6-3.5 made after December 31, 2008.

33 SECTION 244. [EFFECTIVE APRIL 1, 2008] (a) IC 6-2.5-6-10, as
34 amended by this act, applies to reporting periods beginning after
35 June 30, 2008.

36 (b) Notwithstanding any other provision of law, a merchant
37 described in IC 6-2.5-6-10(b)(3), as amended by this act, for
38 calendar year 2008 is entitled to a collection allowance of
39 three-tenths percent (0.3%) for reporting periods after December
40 31, 2007, and ending before July 1, 2008, and to a collection
41 allowance of twenty-five hundredths percent (0.25%) for reporting
42 periods beginning after June 30, 2008, and ending before January



1, 2009.

(c) For purposes of:

- (1) IC 6-2.5-2-2, as amended by this act;
- (2) IC 6-2.5-6-7, as amended by this act;
- (3) IC 6-2.5-6-8, as amended by this act;
- (4) IC 6-2.5-6-10, as amended by this act;
- (5) IC 6-2.5-7-3, as amended by this act; and
- (6) IC 6-2.5-7-5, as amended by this act;

all transactions, except the furnishing of public utility, telephone, or cable television services and commodities by retail merchants described in IC 6-2.5-4-5, IC 6-2.5-4-6, and IC 6-2.5-4-11, shall be considered as having occurred after March 31, 2008, to the extent that delivery of the property or services constituting selling at retail is made after that date to the purchaser or to the place of delivery designated by the purchaser. However, a transaction shall be considered as having occurred before April 1, 2008, to the extent that the agreement of the parties to the transaction was entered into before April 1, 2008, and payment for the property or services furnished in the transaction is made before April 1, 2008, notwithstanding the delivery of the property or services after March 31, 2008.

(d) With respect to a transaction constituting the furnishing of public utility, telephone, or cable television services and commodities, only transactions for which the charges are collected upon original statements and billings dated after April 30, 2008, shall be considered as having occurred after March 31, 2008.

SECTION 245. [EFFECTIVE UPON PASSAGE] (a) As used in this SECTION, "committee" refers to the school transportation funding formula study committee established by this SECTION.

(b) The school transportation funding formula study committee is established. The committee shall develop recommendations as to the appropriate formula to enable the general assembly to fund school transportation costs.

(c) The committee shall seek input from the department of education, urban and rural school corporations, the administration, and any entity it determines necessary or appropriate to make informed recommendations to the 2009 general assembly regarding school transportation funding formulae.

(d) The committee consists of eight (8) members appointed as follows:

- (1) Two (2) members of the house of representatives



1 appointed by the speaker of the house of representatives.

2 (2) Two (2) members of the house of representatives
3 appointed by the minority leader of the house of
4 representatives.

5 (3) Two (2) members of the senate appointed by the president
6 pro tempore of the senate.

7 (4) Two (2) members of the senate appointed by the minority
8 leader of the senate.

9 (e) The legislative services agency shall staff the committee.

10 (f) The committee shall operate under the rules and procedures
11 of the legislative council for study committees.

12 (g) Each member of the committee is entitled to receive the same
13 per diem, mileage, and travel allowances paid to legislative
14 members of interim study committees established by the legislative
15 council. Per diem, mileage, and travel allowances paid under this
16 subsection shall be paid from appropriations made to the
17 legislative council or the legislative services agency.

18 (h) The affirmative votes of a majority of members appointed
19 to the committee are required for the committee to take action on
20 any recommendation.

21 (i) The chairman of the legislative council shall appoint a
22 member of the committee to serve as chairperson.

23 (j) The committee shall prepare and submit a written report of
24 the committee's findings in an electronic format under IC 5-14-6
25 to the legislative council not later than November 1, 2008.

26 (k) This SECTION expires November 2, 2008.

27 SECTION 246. [EFFECTIVE JULY 1, 2007 (RETROACTIVE)] (a)
28 The definitions in IC 6-1.1-1, IC 6-1.1-20.9, and IC 6-1.1-21 apply
29 throughout this SECTION.

30 (b) An owner entitled to a homestead credit under IC 6-1.1-20.9
31 for property taxes assessed for the March 1, 2007, and January 15,
32 2008, assessment dates is entitled to an additional homestead credit
33 under this SECTION against the property tax liability (as defined
34 in IC 6-1.1-21-5) imposed against the taxpayer's homestead for the
35 March 1, 2007, and January 15, 2008, assessment dates.

36 (c) The amount of the credit to which an owner is entitled under
37 this SECTION equals the product of:

38 (1) the percentage prescribed in subsection (d); multiplied by
39 (2) the amount of the individual's property tax liability, as
40 that term is defined in IC 6-1.1-21-5, which is:

41 (A) attributable to the homestead during the particular
42 calendar year; and



1 **(B) determined after the application of all deductions from**
2 **assessed valuation that the owner claims under IC 6-1.1-12**
3 **or IC 6-1.1-12.1 for property and the property tax**
4 **replacement credit under IC 6-1.1-21.**

5 **(d) The homestead credit percentage under subsection (c)(1) is**
6 **equal to the percentage that, when added to the percentage applied**
7 **to all other homesteads, will result in the granting under this**
8 **SECTION of seven hundred million dollars (\$700,000,000) in**
9 **additional homestead credits. The increase of the homestead credit**
10 **percentage must be uniform for all homesteads in Indiana. The**
11 **department of local government finance shall certify the homestead**
12 **credit percentage to all county auditors using the best information**
13 **available to the department of local government finance at the time**
14 **of the certification.**

15 **(e) The department of local government finance shall calculate**
16 **and certify to the department of state revenue and the county**
17 **auditor of a county a homestead credit amount to be transferred**
18 **to the county auditor for allocation to taxing units in the county to**
19 **replace property tax revenue lost from the granting of the**
20 **additional homestead credit under this SECTION. The 2008**
21 **homestead credit amount shall be distributed in approximately**
22 **equal installments on May 1 and November 1, subject to the**
23 **settlement procedures in IC 6-1.1-21-9.**

24 **(f) In addition to any other appropriation made to the property**
25 **tax replacement fund board under P.L.234-2007, there is**
26 **appropriated to the property tax replacement fund board seven**
27 **hundred million dollars (\$700,000,000) from the property tax**
28 **replacement fund to make distributions under this SECTION,**
29 **beginning July 1, 2007, and ending June 30, 2009. The**
30 **appropriation in this subsection is not subject to the limit in**
31 **P.L.234-2007 on distributions from the property tax replacement**
32 **fund. If money in the property tax replacement fund is insufficient**
33 **to make the distributions required by this SECTION, the**
34 **deficiency shall be temporarily transferred from the state general**
35 **fund in accordance with the procedures in IC 6-1.1-21-4(d). Money**
36 **transferred under this subsection shall be treated as property taxes**
37 **for all purposes.**

38 **(g) The department of local government finance, the department**
39 **of state revenue, and the property tax replacement fund board**
40 **shall take the actions necessary to carry out this SECTION. The**
41 **department of local government finance shall make the**
42 **certifications required under this SECTION based on the best**



1 information available at the time the certification is made.

2 (h) On December 31, 2008, the unencumbered balance of the
3 property tax replacement fund, the property tax reduction trust
4 fund, and any other fund terminated by this act shall be
5 transferred to the state general fund.

6 SECTION 247. [EFFECTIVE JULY 1, 2008] (a) There is
7 appropriated to the division of forestry of the department of
8 natural resources a sufficient amount from the state general fund
9 to replace the revenue lost to the state forestry fund, after
10 December 31, 2008, and before July 1, 2009, as determined by the
11 budget agency, from the repeal by this act of IC 14-23-3-3,
12 beginning July 1, 2008, and ending June 30, 2009. The amount
13 transferred is subject to the appropriation to the forestry division
14 from the state forestry fund in P.L.234-2007.

15 (b) In addition to the appropriations made to the department of
16 local government finance in P.L.234-2007, there is appropriated to
17 the department of local government finance a sufficient amount
18 from the state general fund to replace the revenue lost to the
19 department of local government finance, after December 31, 2008,
20 and before July 1, 2009, as determined by the budget agency, from
21 the repeal by this act of IC 14-23-3-3, beginning July 1, 2008, and
22 ending June 30, 2009. The amount appropriated by this subsection
23 may be used by the department of local government finance for the
24 purpose of property tax data base management.

25 (c) In addition to the appropriations made to the state fair
26 commission in P.L.234-2007, there is appropriated to the state fair
27 commission a sufficient amount from the state general fund to
28 replace the revenue lost to the state fair fund, after December 31,
29 2008, and before July 1, 2009, as determined by the budget agency,
30 from the repeal by this act of IC 15-1.5-8-3, beginning July 1, 2008,
31 and ending June 30, 2009. The amount appropriated by this
32 subsection may be used by the state fair commission for the
33 purposes of the state fair fund.

34 SECTION 248. [EFFECTIVE JULY 1, 2008] (a) In addition to the
35 amount appropriated to the division of family resources in
36 P.L.234-2007, there is appropriated to the division of family
37 resources a sufficient amount from the state general fund to
38 replace the revenue lost to the division of family resources, after
39 December 31, 2008, and before July 1, 2009, for medical assistance
40 to wards, as determined by the budget agency, from the repeal by
41 this act of IC 12-13-8, beginning July 1, 2008, and ending June 30,
42 2009. The amount appropriated by this subsection shall be used for



1 the medical assistance to wards program in the same manner as
2 transfers from a county medical assistance to wards fund would
3 have been used.

4 (b) In addition to the amount appropriated to the department
5 of child services in P.L.234-2007, there is appropriated to the
6 department of child services a sufficient amount from the state
7 general fund to replace the revenue lost for child services (as
8 defined in IC 31-9-2-17.7 (as added by this act)), after December
9 31, 2008, and before July 1, 2009, as determined by the budget
10 agency, from the repeal by this act of IC 12-19-7, beginning July 1,
11 2008, and ending June 30, 2009. The amount appropriated by this
12 subsection shall be used to reimburse costs for services delivered
13 after December 31, 2008, that would have been paid from a county
14 family and children's fund if IC 12-19-7 after December 31, 2008,
15 and before July 1, 2009, had not been repealed. Costs shall be paid
16 in the manner determined by the department of child services. If
17 a county paid a cost that the department of child services is
18 required to reimburse, the department of child services shall
19 reimburse the county. The county shall deposit the money in its
20 levy excess fund and use the money in the same manner as levy
21 excess must be used under IC 6-1.1-18.5-17.

22 (c) In addition to the amount appropriated to the division of
23 family resources in P.L.234-2007, there is appropriated to the
24 division of family resources a sufficient amount from the state
25 general fund to replace the revenue lost for children's psychiatric
26 residential treatment services (as defined in IC 12-19-7.5-1
27 (repealed)), after December 31, 2008, and before July 1, 2009, as
28 determined by the budget agency, from the repeal by this act of
29 IC 12-19-7.5, beginning July 1, 2008, and ending June 30, 2009.
30 The amount appropriated by this subsection shall be used to
31 reimburse costs incurred after December 31, 2008, that would have
32 been paid from a county children's psychiatric residential
33 treatment services fund after December 31, 2008, and before July
34 1, 2009, if IC 12-19-7.5 had not been repealed. Costs shall be
35 reimbursed in the manner determined by the division of family
36 resources. If a county paid a cost that the division of family
37 resources is required to reimburse, the division of family resources
38 shall reimburse the county. The county shall deposit the money in
39 its levy excess fund and use the money in the same manner as levy
40 excess must be used under IC 6-1.1-18.5-17.

41 (d) Notwithstanding the repeal of IC 12-19-7 and IC 12-19-7.5,
42 a county's obligation to pay for child services (as defined in



1 IC 31-9-2-17.7 (as added by this act)) or children's psychiatric
 2 residential treatment services (as defined in IC 12-19-7.5-1
 3 (repealed)) provided before January 1, 2009, is not terminated. A
 4 county's obligation to levy property taxes to pay principal,
 5 interests, and other costs of a loan that were entered into or could
 6 have been entered into or bonds that were issued or could have
 7 been issued under IC 12-19-5, IC 12-19-7, or IC 12-19-7.5 (before
 8 their repeal) to meet these obligations is transferred to the county's
 9 debt service fund. Upon termination of a family and children's
 10 fund or children's psychiatric residential treatment services fund,
 11 the unobligated balance of the fund shall be deposited in the
 12 county's levy excess fund and used in the same manner as levy
 13 excess must be used under IC 6-1.1-18.5-17.

14 (e) In addition to the amount appropriated to the state
 15 department of health in P.L.234-2007, there is appropriated to the
 16 state department of health a sufficient amount from the state
 17 general fund to replace the revenue lost to the state department of
 18 health, after December 31, 2008, and before July 1, 2009, for
 19 assistance to children with special health care needs, as determined
 20 by the budget agency, from the repeal of IC 16-35-3 by this act,
 21 beginning July 1, 2008, and ending June 30, 2009. The amount
 22 appropriated by this subsection shall be used for the children with
 23 special health care needs program in the same manner as money
 24 transferred from a children with special health care needs county
 25 fund would have been used.

26 (f) Notwithstanding the expiration of IC 12-13-8 and IC 16-35-3,
 27 a county shall transfer all amounts levied under IC 12-13-8 and
 28 IC 16-35-3 for an assessment date before January 15, 2008, to the
 29 state in conformity with IC 12-13-8 and IC 16-35-3, as effective
 30 December 31, 2007.

31 (g) A juvenile court shall order a parent or guardian to pay
 32 costs paid by the state under this SECTION to the same extent that
 33 the juvenile court would order the parent or guardian to pay costs
 34 under IC 31-40-1 when the costs were the obligation of a county.
 35 The power to enter a judgment and order a person in contempt
 36 under IC 31-40-3 applies to an order described in this subsection.

37 SECTION 249. [EFFECTIVE JULY 1, 2008] (a) In addition to any
 38 other amount appropriated to the department of education in
 39 P.L.234-2007, there is appropriated to the department of education
 40 a sufficient amount from the state general fund to replace the
 41 revenue lost to transportation funds of school corporations, after
 42 December 31, 2008, and before July 1, 2009, as determined by the



1 budget agency, from the repeal by this act of IC 20-46-4, beginning
 2 July 1, 2008, and ending June 30, 2009. The amount distributed to
 3 a particular school corporations under this subsection is the
 4 amount of revenue lost to the transportation fund of that school
 5 corporation, after December 31, 2008, and before July 1, 2009, as
 6 determined by the budget agency, from the repeal by this act of
 7 IC 20-46-4. The distributed amount shall be deposited in the school
 8 corporation's transportation fund and used for costs attributable
 9 to transportation (as defined in IC 20-40-6-1).

10 (b) In addition to the amount appropriated to the department
 11 of education in P.L.234-2007, there is appropriated to the
 12 department of education a sufficient amount from the state general
 13 fund to increase the state tuition support distribution to replace the
 14 revenue lost to school corporations and charter schools, after
 15 December 31, 2008, and before July 1, 2009, as determined by the
 16 budget agency, from the repeal by this act of IC 20-45-3, beginning
 17 July 1, 2008, and ending June 30, 2009. For the purposes of
 18 calculations under IC 20-43, a school corporation's local
 19 contribution (as defined in IC 20-43-1-16 (before its repeal)) for
 20 2009 is equal to the school corporation's excise tax revenue (as
 21 defined by IC 20-43-1-12) for 2008 and a charter school's local
 22 contribution is zero (0). To the extent possible, the additional
 23 amount appropriated under this subsection shall be distributed to
 24 school corporations and charter schools on the same schedule as
 25 other state tuition support distributions. The amount appropriated
 26 under this subsection is not subject to the limit in IC 20-43-2-2 on
 27 the maximum state distribution.

28 SECTION 250. [EFFECTIVE JULY 1, 2008] (a) Notwithstanding
 29 any other law, before making other distributions of excise tax
 30 revenue (as defined in IC 20-43-1-12), a county auditor shall
 31 distribute the following for 2009:

32 (1) To school corporations, the same amount of excise tax
 33 revenue for the school corporation's general fund and
 34 transportation fund as the county auditor distributed in 2008
 35 on the basis of the tuition support levy under IC 20-45-3-11
 36 (repealed) and transportation fund levy imposed by the school
 37 corporation in 2008.

38 (2) To counties, the same amount of excise tax revenue as the
 39 county auditor allocated to the county in 2008 on the basis of
 40 the following levies first due and payable for 2008:

41 (A) County medical assistance to wards fund levy.

42 (B) Family and children's fund levy.



1 (C) Children's psychiatric residential treatment services
2 fund levy.

3 (D) Children with special health care needs county fund
4 levy.

5 The excise tax revenue distribution made to other taxing units is
6 reduced to the extent of the amount distributed under this
7 subsection. The amount distributed under this subsection shall be
8 used for the same purposes as if the distribution had been allocated
9 to the school corporation or county on the basis of property taxes
10 imposed by the taxing unit.

11 (b) Notwithstanding any other law, before making any other
12 distributions in 2009 of certified shares under IC 6-3.5-1.1 or
13 certified distributions under IC 6-3.5-6 or IC 6-3.5-7 on the basis
14 of the property taxes levied by each civil taxing unit, a county
15 auditor shall distribute to the county the same amount of excise tax
16 revenue as the county auditor allocated to the county in 2008 on
17 the basis of the following levies first due and payable for 2008:

18 (1) County medical assistance to wards fund levy.

19 (2) Family and children's fund levy.

20 (3) Children's psychiatric residential treatment services fund
21 levy.

22 (4) Children with special health care needs county fund levy.

23 The distribution made to other taxing units is reduced to the extent
24 of the amount distributed under this subsection. The amount
25 distributed under this subsection shall be used for the same
26 purposes as if the distribution had been allocated to the county on
27 the basis of property taxes imposed by the county.

28 (c) A reference in a law or other document to child services (as
29 defined in IC 12-19-7-1 (repealed) shall be treated after December
30 31, 2008, as a reference to child services (as defined in
31 IC 31-9-2-17.7).

32 SECTION 251. An emergency is declared for this act.

